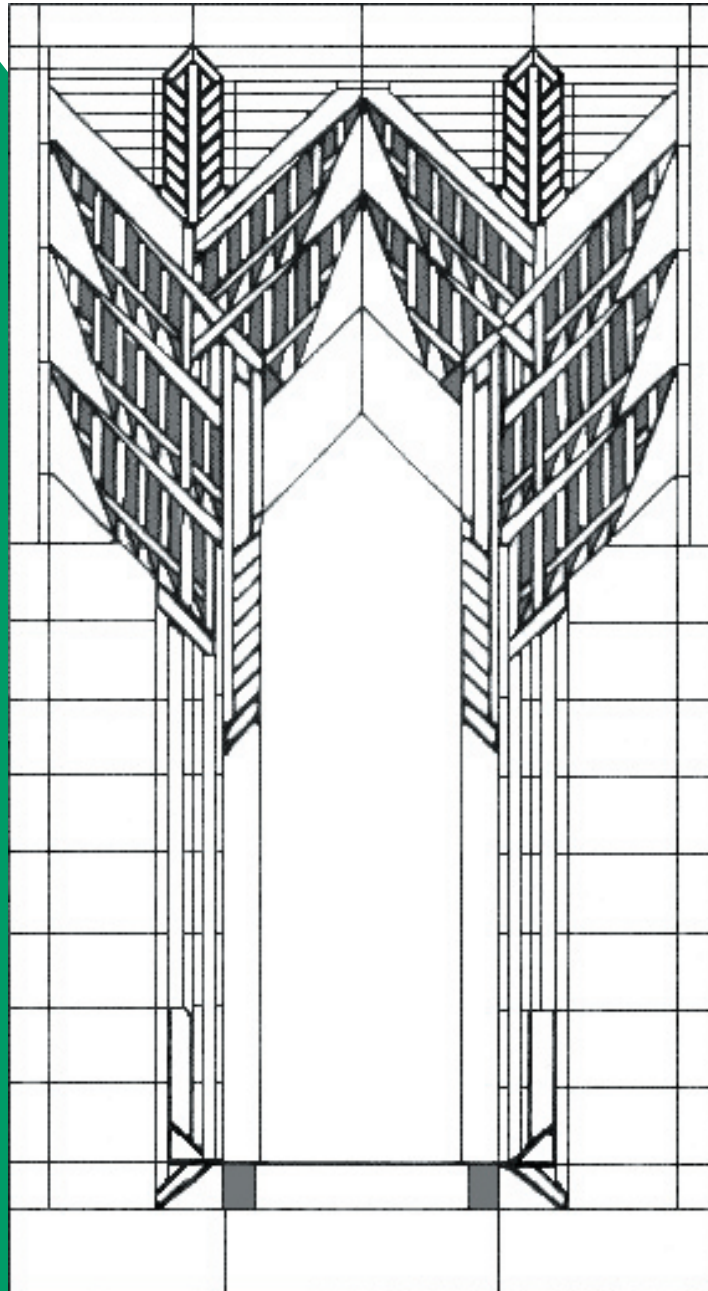


# Preface to LAWMAKING

2004



Window From the Dana-Thomas House

Illinois General Assembly

**LRU**   
LEGISLATIVE RESEARCH UNIT

*JOINT COMMITTEE ON  
LEGISLATIVE SUPPORT SERVICES*

President of the Senate & Chairman	Sen. Emil Jones, Jr.
House Republican Leader	Rep. Tom Cross
Speaker of the House	Rep. Michael J. Madigan
Senate Republican Leader	Sen. Frank Watson

*LEGISLATIVE RESEARCH UNIT*

Co-Chairperson	Rep. Sara Feigenholtz
Co-Chairperson	Sen. Larry K. Bomke
Executive Director	Patrick D. O'Grady

*Senators*

Don Harmon  
John O. Jones  
James T. Meeks  
Dale Risinger  
Carol Ronen

*Representatives*

Constance A. "Connie" Howard  
Rosemary Kurtz  
Susana Mendoza  
James H. "Jim" Meyer  
Ed Sullivan, Jr.

The Legislative Research Unit is the central research agency for the General Assembly. A board of 12 legislators, appointed by the Joint Committee on Legislative Support Services, supervises its operations.

A staff of researchers handles inquiries from legislators, legislative committees, and partisan staff. The staff's areas of expertise include law generally, science and technology, taxation, education, local government, economics and fiscal affairs, and the political and social history of Illinois.

Preface to  
**LAWMAKING**

December 2004

Publication 313  
Copyright © 2004 Illinois Legislative Research Unit  
Springfield, Illinois



# **CONTENTS**

- Chapter 1    Personal Information for Legislators
- Chapter 2    The Job of Making Laws
- Chapter 3    Passing A Bill
- Chapter 4    The Media
- Chapter 5    General Assembly Procedures
- Chapter 6    Manual of House Procedures
- Chapter 7    Taxes, Campaign Finance, and Ethics Laws
- Chapter 8    State Budget and Appropriation Process
- Chapter 9    Other Participants in the Legislative Process



# CHAPTER 1

## CONTENTS      PERSONAL INFORMATION FOR LEGISLATORS

<b>Legislative Emoluments</b> .....	1
Salary .....	1
Travel Allowances .....	2
Living Expenses .....	2
Housing and Parking in Springfield.....	2
License Plates.....	2
Health Insurance .....	3
<i>Pharmacy benefit</i> .....	4
<i>Dental care</i> .....	4
<i>Vision care</i> .....	4
Flexible Spending Account Program .....	4
Deferred Compensation .....	4
Life Insurance .....	5
Qualified Transportation Benefit Program .....	5
Other Insurance Programs .....	5
For More Information .....	5
<b>General Assembly Retirement System</b> .....	5
<i>Eligibility ages</i> .....	6
<i>Automatic pension increases</i> .....	6
<i>Survivors' pensions</i> .....	6
<i>Optional reversionary annuity</i> .....	7
<i>Refunds</i> .....	7
<i>Financing</i> .....	7
For More Information .....	7
<b>Springfield and District Offices</b> .....	7
Springfield Office .....	7
District Office .....	8
Vouchers .....	9
<b>Benefits for Constituents</b> .....	9
Legislative Scholarships .....	9
Certificates of Recognition .....	10
Other Constituent Services.....	10





## PERSONAL INFORMATION FOR LEGISLATORS

Before new legislators begin their service, they must deal with many house-keeping details related to legislative service. These include enrolling in state benefit plans; setting up offices in their districts and Springfield; and taking actions necessary to be reimbursed for travel on legislative business.

Legislators are also subject to special tax rules, ethical standards, and legal provisions that do not apply to other officials or the general public.

Finally, legislators can name students to receive state scholarships, and help constituents who are having problems with state agencies. All of these subjects are discussed in this chapter.

### Legislative Emoluments

Legislators get a salary, travel and lodging expenses, life and health insurance, a pension, and other benefits.

**Salary** Legislators now receive annual salaries of \$57,619. Legislative leaders and committee chairmen and minority spokesmen get extra pay ranging from \$8,771 to \$23,388 annually.

Until the Compensation Review Act<sup>1</sup> was enacted in 1984, salaries of legislators and other high state officers were set directly by statute. Under the Act, the Compensation Review Board makes salary recommendations by May 1 of each even-numbered year, which take effect automatically unless both houses of the General Assembly disapprove them within 30 session days. The General Assembly can disapprove new salary levels as a whole, or reduce them all in the same proportion—again by vote of both houses.<sup>2</sup> In 1990 the Board recommended that salaries be automatically adjusted each year for inflation using an index named in that report.<sup>3</sup> In 2002, due to state fiscal problems, the Board recommended that only the 3.8% inflation adjustment take effect;<sup>4</sup> but a law enacted that year blocked even the inflation adjustment.<sup>5</sup> In 2003, a scheduled 2.8% inflation adjustment did not occur because funding for it was cut from the appropriation by a reduction veto.<sup>6</sup> In 2004 the General Assembly rejected the Board's recommendation to implement the omitted inflation adjustments.<sup>7</sup> Thus base legislative salaries have not changed since July 1, 2001.

Legislative salaries are paid monthly. After providing the necessary information to the Comptroller's office, each legislator is paid without further paperwork. This can be done by direct deposit to the legislator's bank account. If a legislator prefers to be paid by check, the Comptroller's office mails them early enough to arrive by the last working day of each month.

**Travel Allowances** While the General Assembly is in session, each legislator is entitled to reimbursement for one round trip per week between the district and Springfield if the legislator actually makes the trip. The amount reimbursed is either (1) an amount per mile if the legislator travels by automobile, or (2) the cost of public transportation if the legislator uses it and it costs more.<sup>8</sup> The mileage reimbursement for automobile travel is set at what the federal government pays its employees for such travel (now 37.5¢ per mile).<sup>9</sup> Members using public transportation must submit original receipts to their house's fiscal office.

During weeks in which the General Assembly is *not* in session, each senator is entitled to reimbursement for up to two days' lodging and up to four days' meals and incidentals in Springfield per month, plus mileage on such trips between their districts and Springfield.<sup>10</sup> Representatives are reimbursed for only one round trip to Springfield, and one day's lodging and other expenses, per year while out of session.<sup>11</sup> For members of either house, this reimbursement covers up to \$71 per day for lodging and up to \$31 per day for meals and incidentals.<sup>12</sup>

**Living Expenses** While attending General Assembly sessions, each legislator is eligible to receive \$102 per day to cover lodging, meals, and incidental expenses.<sup>13</sup> No documentation beyond being counted as attending a legislative session is needed to get this reimbursement. Legislators whose homes are more than 50 miles from the State House can avoid having to report this reimbursement for income tax purposes by making an "election" to treat their homes in their districts as their tax homes. This topic is discussed in chapter 7 of this book.

**Housing and Parking in Springfield** Many legislators rent apartments or houses in Springfield—often sharing them with one or two other legislators. For those who prefer to rent lodging in Springfield only during session times, many hotels and motels offer reduced rates to state personnel.

A parking space near the State House is assigned to each legislator at no charge. Assignments are made by each house's party leadership through the Secretary of State's office, which is in charge of the State House and surrounding parking areas.

**License Plates** Each legislator is entitled to buy legislative license plates for one or two vehicles. If a legislator buys them for two vehicles, both sets have the same number. They can be used on owned or leased cars. A set of plates is valid only during the member's service in that General Assembly, and lasts only 2 years. A legislator who resigns during the term must return the plates to the Secretary of State.

By law, the number on a Senate license plate is the senator's district number; House license plate numbers are assigned by number of years of legislative service.<sup>14</sup> The administrative staffs of the House and Senate coordinate plate assignment with the Secretary of State's office. Retired legislators can buy special plates displaying their initials.

Health Insurance      Legislators have available the same health-care benefits as state employees. The following options are available in some or all areas of the state:

- (1) The Quality Care Health Plan (QCHP), a fee-for-service indemnity plan administered by CIGNA and offered statewide.
- (2) Seven health maintenance organizations (HMOs), covering various areas of the state.
- (3) One open-access plan in central and southern Illinois and the counties near St. Louis.

All plans require monthly “health care contribution” deductions from pay in addition to the state’s contribution. Dependent coverage is also available, paid partly by the state and partly by the state officer or employee. Such payments by state officers and employees are tax-exempt. Managed-care plans have lower monthly contributions than does QCHP.

The Quality Care Health Plan offers a comprehensive package of benefits, including some features not offered in HMOs. It allows a member to choose any medical provider, and to change providers at any time. But members are given incentives to use preferred provider organization (PPO) providers and networks for major procedures such as surgery.

HMOs are managed-care plans that offer comprehensive benefits, including many preventive services. Each participating member must choose a primary-care physician participating in the plan to coordinate all of the member’s care. Each HMO works with particular provider networks and hospitals.

The open-access plan is basically an indemnity plan, but has three levels of copayments and annual cost limits depending on which provider the patient uses for each service. The state’s “Benefit Choice Options” booklet for July 2004 through June 2005 on page 12 shows benefits offered by this plan.

The Internal Revenue Service requires, for purposes of deductibility of member contributions, that each member choose from the available medical care options when entering state employment or during the enrollment period (usually May of each year). This choice cannot be changed until the next enrollment period unless the member has a qualifying change in status, such as in number of dependents; marriage; divorce; birth; or need for spousal coverage. Details are in the State of Illinois Benefits handbook on pages 11-12.

All health benefits provided to state employees are negotiated annually or biennially. Details of coverage, state contribution levels, and dependent eligibility can change (sometimes significantly) with each new contract.

<i>Pharmacy benefit</i>	All health plans include a pharmacy benefit, using pharmacy networks to fill prescriptions for members and covered dependents at negotiated discounts. The patient must pay a copayment when getting each prescription filled. Copayments vary by type of health plan. All plans require higher copayments for brand-name drugs than for generic drugs.
<i>Dental care</i>	The state provides dental insurance to officers and employees. The state has one dental plan: the Quality Care Dental Plan, which is available to members and dependents who are covered by state group health plans. Under the Quality Care Dental Plan, a member can choose any provider, but pays a small amount by payroll deduction to cover part of the plan's cost. The plan reimburses dentists a predetermined amount per covered service, subject to annual and lifetime benefit limits for orthodontic, prosthetic, and periodontic services.
<i>Vision care</i>	State personnel also get vision insurance, administered by Vision Service Plan. A member can get a vision exam as often as every 12 months for a \$10 copayment, and frames and lenses as often as every 24 months for \$10 copayments for each. Elective contact lenses (in lieu of glasses) require a \$50 copayment. Medically necessary contact lenses require only a \$20 copayment. Members must obtain such benefits from participating eye-care professionals; benefits are greatly reduced if the member uses an out-of-network provider.
Flexible Spending Account Program	The Flexible Spending Account Program allows a member to transfer income to individual reimbursement accounts for eligible medical and/or child-care expenses that are not reimbursed by insurance or similar sources. Up to \$5,000 each year can be so transferred by payroll deduction. The member pays for medical or child-care services out of pocket as usual, but sends copies of explanations of benefits or receipts for care expenses to the administrator and is reimbursed from the account—without ever paying income or Social Security tax on the money. Kinds of medical expenses eligible for reimbursement are generally those that are medically necessary but not covered by health insurance—such as deductibles and copayments.
Deferred Compensation	Legislators can also participate in the State Employees' Deferred Compensation Plan established under section 457 of the Internal Revenue Code. Those who will <i>not</i> be at least age 50 by the end of 2005 can have up to \$14,000, and those who <i>will</i> be at least 50 by the end of 2005 can have up to \$18,000, deducted in calendar 2005 from their pre-tax salaries and put into the Plan. Amounts so deducted (and earnings in a participant's account) are not subject to federal or state income tax until distribution to the participant. Except in cases of extreme hardship, money deferred cannot be withdrawn while the participant is in state service. Upon leaving state service, a participant may choose the time period over which to take the distribution. It can be distributed in a lump sum 30 days after leaving state service without penalty (but with ordinary federal income tax liability). Other methods of distribution without penalty are in installments, by annuity, and by rollover into an Individual Retirement Account (IRA). The beginning of distributions can be delayed to a specific future date, which may be as late as when the person reaches age 70½. Federal income tax is due at the regular rate on distributions; they are currently exempt from Illinois income tax.

Participants can enroll, stop deferrals, make changes in the amount deducted, or re-enroll in any month. Changes in future investments may be made at any time; changes in past investments may be made as often as once per quarter at no charge (additional changes cost \$10 each).

Money deferred into the plan can be invested in any one or more of 12 investment vehicles: 11 no-load mutual funds, and a portfolio of guaranteed interest contracts (GICs) and GIC alternatives from a variety of insurance companies. The mutual funds are: a money-market fund; a bond index fund and a managed bond fund; a blended bond and stock fund; a stock index fund; and six managed stock funds offering varying levels of risk. The Department of Central Management Services administers the program. The Illinois State Board of Investment exercises financial oversight, but choosing among the 12 investment vehicles is each participant's decision.

**Life Insurance** The state also provides term life insurance for each officer or employee, with a death benefit equal to one year's salary. An officer or employee can buy additional life insurance with a death benefit of 1 to 8 times annual salary. Under the Internal Revenue Code, premiums paid by the state for this coverage, to the extent they exceed enough to fund a \$50,000 death benefit, are reported on the member's Form W-2 and are taxable. The amount of life insurance falls to \$5,000 at age 60.

Legislators can also buy (1) coverage for accidental death and dismemberment in either the basic amount provided by the state or the combined total amount of state-provided plus optional life insurance; and (2) \$10,000 in life insurance for a spouse or a child. Premiums for these policies are not tax-exempt.

**Qualified Transportation Benefit Program** Under this program a state officer or employee can use up to \$195 per month of pretax money for parking expenses related to work, or up to \$100 a month of pretax money to pay for public transit or vanpooling costs.

**Other Insurance Programs** The Department of Central Management Services (CMS) offers various commercial insurance master policies to cover some risks. The Department also administers self-insurance plans for auto liability, general liability, fidelity and surety, and indemnification. Details are available from CMS.

**For More Information** Information on all the benefits described above is available from CMS. Specific House and Senate Operations staff are also designated as Group Insurance Representatives or Deferred Compensation Liaisons. They are responsible for all administrative functions related to enrollment, premium payment, and coordination with CMS.

**General Assembly Retirement System** All legislators (along with the Governor and the other five elected executive officers) are automatically enrolled in the General Assembly Retirement System (GARS). However, any of these persons can elect within 24 months after becoming members not to participate in the System.

The rate of pension depends on the member's "highest salary for annuity purposes," which means the rate of salary being paid on the legislator's last day as a legislator or as one of the six statewide executive officers.<sup>15</sup> Subject to the 85% limitation stated below, a former member's annual pension will be the sum of the following percentages of "highest salary for annuity purposes":

- 3% for each of the first 4 years of service;
- 3½% for each of the next 2 years;
- 4% for each of the next 2 years;
- 4½% for each of the next 4 years; and
- 5% for each year beyond 12.

A pension cannot exceed 85% of highest salary for annuity purposes.<sup>16</sup>

Legislators can get General Assembly Retirement System credit for service in a number of other public entities that occurred before they became legislators. The General Assembly Retirement System sends all new legislators information on this.

*Eligibility ages*

A participant retiring with at least 4 years' service credit is entitled to a pension at age 62; a participant retiring with at least 8 years' service credit is entitled to a pension at age 55.<sup>17</sup> A participant with at least 8 years' service credit who becomes permanently disabled is also entitled to a pension.<sup>18</sup> Vesting in a survivor's pension is discussed below.

*Automatic pension increases*

Pensions increase automatically each year after retirement begins. Such automatic increases start at age 60 or the first anniversary after retirement, whichever is later. Each annual increase is 3% of the amount that was received the preceding year.<sup>19</sup>

*Survivors' pensions*

A survivor's annuity is paid to the qualified surviving spouse of a member who dies in service with at least 2 years' service credit; dies after ending service with at least 4 years' credit; or dies while receiving a GARS pension. The basic survivor's annuity is two-thirds of the pension to which the member was entitled at death—subject to a minimum of the greater of 10% of highest salary for annuity purposes or \$300 per month. It is payable to the surviving spouse beginning at age 50—or at any age if that spouse is caring for unmarried children who are under age 18 (22 if full-time students) or disabled.

If there is no surviving spouse, or the surviving spouse dies or becomes ineligible due to remarriage, each child who is under 18 (22 if a full-time student) or is disabled is entitled to 20% of highest salary for annuity purposes, subject to a combined limit of 50% of that salary amount.

The survivors' benefits described above are subject to a limit of 75% of the member's earned retirement annuity at death—unless the member is survived by a dependent disabled child, in which case the survivors are to receive 100% of the amount to which the member was entitled at death. Also, all survivors' benefits automatically increase each year by 3% of the amount received the preceding year.<sup>20</sup>

<i>Optional reversionary annuity</i>	A member may elect, before retiring, to take a reduced retirement annuity and provide, on an actuarially equated basis, an annuity to a spouse, parent, child, brother, or sister. This benefit will be in addition to any survivor's annuity. <sup>21</sup>
<i>Refunds</i>	Upon leaving state service, a member can get a refund of the entire amount of contributions, without interest. A member can elect not to contribute to the survivor's annuity, and a participant who has no eligible survivor's annuity beneficiary can get a refund of the amount of contributions made for the survivor's annuity, without interest. But no refund of survivor's annuity contributions is payable if a member's spouse dies after the member retires on annuity. <sup>22</sup>
<i>Financing</i>	<p>The state makes contributions to the system for members, but reduces their pretax income by corresponding amounts.<sup>23</sup> The result is that members do not have to pay federal income tax on the part of their salaries that is used to pay those contributions. Those contributions total 11½% of salary: 8½% for a pension, 2% for a survivor's annuity, and 1% to fund the automatic annual increases.<sup>24</sup></p> <p>The state is constitutionally obligated to pay at least the amount of a public pension that was called for by law while each member was in service, even if amounts in pension funds are insufficient to do that.<sup>25</sup></p>
<i>For More Information</i>	More detailed information on all the provisions described above is available from the General Assembly Retirement System at (217) 782-8500.

## Springfield and District Offices

Each legislator has a Springfield office, operated with state funds. Legislators who do not live near Springfield also operate one or more district offices, financed by the so-called "district office allowance" described later.

**Springfield Office** Each legislator is assigned an office in either the State House or the Stratton Building immediately west of it. Leadership offices are in the State House. Party leaders set the policy for assigning other offices; it is usually by seniority. In the House the policy on secretarial assignments is made by the party leadership and implemented by the Clerk's office; in the Senate these assignments are made by the Secretary of the Senate and individual senators.

The telephones in each member's office can be used for local and long-distance calls within Illinois. House members also have telephones at their desks on the House floor, which can be used only for outgoing calls. Incoming calls must be made to a representative's Springfield secretary, who can send a message to the representative. The Senate has telephones just off the Senate floor, for senators only. A doorman will call a senator to these phones for incoming calls.

Legislators can also use part of their district office allowance to hire part-time personnel in their Springfield offices. (Typically only legislators whose districts are in or near Springfield choose to do this.)

**District Office** Each legislator can spend for office expenses an annual amount that is currently \$63,317 for a representative and \$75,774 for a senator.<sup>26</sup> This is commonly called the “district office allowance” because legislators use it mostly for offices in their districts. It can be used to rent space; pay employees; travel within the district and to legislative conferences; buy postage (using special stamps issued by the Department of Central Management Services with a perforated “I” that are limited to official state business, and/or through an account at a local post office); and (subject to some conditions) buy equipment for district offices. The law prohibits use of the district office allowance in connection with political campaigns,<sup>27</sup> or to pay anything to the legislator’s spouse, parent, grandparent, child, grandchild, aunt, uncle, niece, nephew, brother, sister, first cousin, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.<sup>28</sup>

Any contract using the district office allowance, such as to rent office space, must be made through the Clerk of the House or Secretary of the Senate. The conditions for buying equipment basically require the legislator to certify that buying is less expensive than renting or leasing; to make the purchase through the Clerk of the House or Secretary of the Senate; and to offer the equipment to the legislator’s successor upon leaving office. (If the successor does not want it, it is transferred to the Office of the Clerk or Secretary.) Another law requires all “agencies” (including state officers) to inquire with CMS before buying any single item of furniture costing at least \$500, to determine whether any surplus furniture is suitable; and if surplus furniture is available, to file an affidavit saying why it is unsuitable before buying new furniture.<sup>29</sup>

A person employed by a legislator using the district office allowance can be put on the state payroll, or in some cases work on a contractual basis. If the person is on the state payroll, both Social Security taxes and contributions to the State Employees’ Retirement System are charged against the legislator’s district office allowance. (A part-time employee has pro-rated amounts deducted.) An employee on the state payroll, if working more than half-time, is also eligible for state health insurance. If the person is on contractual payroll, Social Security and Medicare taxes (7.65%) must be withheld. (Under the Internal Revenue Code and Treasury regulations, a contractual employee who contributes at least 7.5% of pay to an account in Illinois’ Deferred Compensation Plan can avoid Social Security coverage, and thus have only the 1.45% Medicare tax withheld.<sup>30</sup>) A legislator who wants to pay an aide as an independent contractor should consult with a tax advisor, because the Internal Revenue Service carefully examines claims that an assistant is an independent contractor. Independent contractors are not covered by the State Employees’ Retirement System or state health insurance.

In fiscal years in which a new General Assembly will convene, the appropriation for district office allowances is divided so that no more than half of it can be spent by a legislator in the first half of the fiscal year (July through December). All members of the new General Assembly then start with half a year’s district office allowance for the January-June half of the fiscal year.

**Note: Legislators-elect should not obligate any expenditures to be made from their district office allowance until they are sworn in, because such expenditures will not be paid.**



Each legislator also gets an allowance for letterhead stationery and envelopes, obtainable from the Legislative Printing Unit.

New legislators should carefully examine the section of law on district office allowances (25 ILCS 115/4). Like all other Illinois statutes, it can be viewed by going to the General Assembly's Web site (<http://www.legis.state.il.us>) and clicking on "Illinois Compiled Statutes" in the upper-right area of the page.

**Vouchers** A voucher is the documentary record of a financial transaction. It establishes the claim for payment for specific goods or services. There are basically three kinds of vouchers: for travel, for contractual services, and for purchases (the latter are also called invoices).

All payments from a district office allowance are made using vouchers. The Clerk of the House usually conducts a 1-day training seminar in late January for new district staff personnel on processing vouchers for the expenses of operating district offices. Such vouchers should be filled out and sent to the House Fiscal Office or the Senate Operations Commission in Springfield as soon as possible, since some time is required for the Comptroller to issue warrants based on them.

Vouchers are also used to reimburse legislators from their district office allowances for travel and other expenses on legislative business. Each legislator receives an information packet with instructions on how to apply for such reimbursement.

## **Benefits for Constituents**

Honors and assistance that legislators can give to constituents are described below.

**Legislative Scholarships** Every year, each legislator can award two 4-year scholarships at any state-supported university(ies). In lieu of any 4-year scholarship, a legislator can award two 2-year scholarships or four 1-year scholarships.<sup>31</sup> These scholarships cover tuition and other academic fees—but not housing, medical care, books, and the like.<sup>32</sup> Candidates for legislative scholarships must meet the same academic standards for admission as other applicants.<sup>33</sup>

To award a scholarship, the legislator must file the name and address of the recipient, and the length of the scholarship, with the State Superintendent of Education by the opening day of the term when the scholarship is to be used.<sup>34</sup> By that date the legislator must also file a notarized statement from the scholarship recipient consenting to public disclosure of his or her name, domicile address, university to be attended, degree program, and amount of tuition waived, along with a statement that the recipient is domiciled in the legislative district of the legislator making the nomination. Forms for recipients' statements are available from the Illinois Student Assistance Commission.<sup>35</sup>

If a recipient declines an award or is ineligible, the legislator can nominate another student for the scholarship. If a recipient leaves school or fails to register, another person can be designated to receive the remainder of the scholarship under statutory procedures.<sup>36</sup>

A legislator's failure to make a selection for a scholarship in any year does not cause the scholarship to lapse; a nomination for it can be made at any time before the legislator's term expires.<sup>37</sup>

A legislator can delegate authority to name recipients of legislative scholarships to the Illinois Student Assistance Commission, or ask the Commission to evaluate candidates and make recommendations to the legislator. In either case the legislator must advise the Commission of the criteria to be used in making the evaluation.<sup>38</sup>

Certificates of Recognition	Any legislator can sponsor certificates of recognition, to be signed by the member and attested by the Clerk or Secretary of the Senate, to recognize any person, organization, or event worthy of public commendation. The form of these certificates is determined by the Clerk or Secretary with leadership approval. <sup>39</sup>
-----------------------------	--

Other Constituent Services	The Legislative Research Unit's <i>Constituent Services Guide</i> has information on how legislators' office staffs can help constituents with problems they have with major state agencies. Two copies of this book are sent to each legislator. The Legislative Research Unit's "Constituent Service Form" can be used by legislative office staff to record a constituent contact and their actions on the constituent's behalf. Supplies are available from the Legislative Printing Unit.
----------------------------	--

- |       |  |
|-------|--|
| Notes | <ol style="list-style-type: none"> <li>1. 25 ILCS 120/1 ff.</li> <li>2. 25 ILCS 120/5.</li> <li>3. Report of the Compensation Review Board, April 25, 1990, p. 5.</li> <li>4. Report of the Compensation Review Board, March 29, 2002, p. 3 and "Recitals" section.</li> <li>5. P.A. 92-607 (2002), adding 25 ILCS 120/5.5.</li> <li>6. P.A. 93-91 (2003), enacted by H.B. 2700 (Madigan-Hannig-M.Davis-Morrow—Welch-Hunter). That item had been on page 222, lines 17 to 19 of enrolled H.B. 2700.</li> <li>7. 2004 S.J.R. 85 (adopted June 9 and 10, 2004). The Illinois Constitution provides that no change in compensation may take place during a legislator's term of office (Ill. Const., art. 4, sec. 11). However, a decision by the Compensation Review Board in April 1990 allows automatic annual increases in the salaries of state officers, including legislators, to compensate for intervening inflation. Each salary is to increase by the same percentage as the increase during the latest <i>calendar</i> year in the Employment Cost Index, Wages and Salaries for State and Local Government Workers issued by the U.S. Department of Labor—limited to a maximum of 5% per year (Report of the Compensation Review Board, April 25, 1990, p. 12). Such automatic increases in salary, based on an objective measure of inflation or other objective standard, appear to be constitutional if they are enacted or otherwise provided for <i>before</i> the term of office of the persons to whom they apply (1978 Ops. Atty. Gen., p. 125). The purpose behind the constitutional prohibition is to prevent government officers from having discretion to raise their salaries <i>during</i> their terms of office.</li> <li>8. 25 ILCS 115/1, second paragraph.</li> <li>9. 41 Code of Fed. Regs. sec. 301-10.303 (rev. July 1, 2004), and 25 ILCS 115/1, second paragraph, adopting the amount allowed by that federal regulation.</li> </ol> |
|-------|--|

10. Telephone conversation with Carla Smith, Senate Fiscal Officer, November 10, 2004.
11. Telephone conversation with Mark Mahoney, Clerk of the House, November 12, 2004.
12. See "Domestic Maximum Per Diem Rates: Effective October 1, 2004" (interactive page on U.S. General Services Administration Internet site).
13. 25 ILCS 115/1, second paragraph, last sentence says that each legislator is to get a food and lodging allowance "equal to the amount per day permitted to be deducted for such expenses under the Internal Revenue Code." Because the Internal Revenue Code allows Illinois legislators to deduct the maximum federal employee per diem when away from home on federal business in Springfield (26 U.S. Code subsec. 162(h)(1)(B)), the provision from Illinois law just quoted is interpreted to refer to that amount. That per diem is now \$102 for Springfield (see preceding note).
14. 625 ILCS 5/3-606.
15. 40 ILCS 5/2-108.1(a)(1) and (2), and 5/2-105 (first paragraph).
16. 40 ILCS 5/2-119.01(b).
17. 40 ILCS 5/2-119(a).
18. 40 ILCS 5/2-119(b).
19. 40 ILCS 5/2-119.1(a), (b), and (e).
20. 40 ILCS 5/2-121 and 5/2-121.1.
21. 40 ILCS 5/2-120.
22. 40 ILCS 5/2-123.
23. See 40 ILCS 5/2-126.1.
24. 40 ILCS 5/2-126 and 5/2-126.1.
25. Ill. Const., art. 13, sec. 5.
26. See 25 ILCS 115/4, first paragraph. These amounts are adjusted for inflation each July 1, with no yearly increase allowed to exceed 5%.
27. 25 ILCS 115/4, first paragraph, first sentence.
28. 25 ILCS 115/4.2.
29. 30 ILCS 605/7a.
30. 26 U.S. Code subsec. 3121(b)(7)(F) and 26 Code of Fed. Regs. subpar. 31.3121(b)(7)-2(e)(2)(iii)(A).
31. 105 ILCS 5/30-9.
32. 105 ILCS 5/30-13.
33. 105 ILCS 5/30-10 and 5/30-13.
34. 105 ILCS 5/30-10.
35. 105 ILCS 5/30-12.5.
36. 105 ILCS 5/30-11.
37. 105 ILCS 5/30-9, fourth paragraph.
38. 105 ILCS 5/30-9, third paragraph.
39. Senate Rule 6-4 and House Rule 48, 93rd General Assembly.



## CHAPTER 2

### CONTENTS THE JOB OF MAKING LAWS

<b>Legislative Power</b> .....	1
Powers of General Assembly .....	1
Powers of National Government .....	1
Relation of State to Local Governments .....	2
<b>Legislative Structure</b> .....	3
<b>The Legislative Biennium</b> .....	3
Regular Session, Odd Year .....	4
<i>Veto Session</i> .....	4
Regular Session, Even Year .....	4
<i>Veto Session</i> .....	5
Special Sessions .....	5
<b>Legislative Organization</b> .....	5
Election of Officers .....	6
Selection of Seats .....	6
Adoption of Rules .....	6
Appointments to Committees .....	6
<b>Constitutional Provisions</b> .....	7
Open Meetings .....	7
Public Notice of Meetings .....	7
Witnesses and Records .....	7
Passage of Bills .....	7
<b>Other Legislative Functions</b> .....	8
Senate Confirmation of Governor's Nominations .....	8
Election Contests .....	8
Impeachments .....	8
Caucus or Party Conference .....	9
<b>Legislative Behavior</b> .....	9
Decorum and Discipline .....	9
Legislative Immunities .....	9
<b>Important Dates for the 94th General Assembly</b> .....	11
<b>General Assembly Workloads, 1985 to 2004</b> .....	12



## THE JOB OF MAKING LAWS

Every action by the General Assembly is affected by constitutional provisions, and by legislative rules and practices based on centuries of parliamentary and political tradition. The following is a short description of how the General Assembly works.

### Legislative Power

In the American system of government, each state government and the national government are sovereign—meaning that each has independent power to enact and enforce laws that bind persons within its territorial jurisdiction. In fact, the motto in the State Seal is “State Sovereignty, National Union.” In this “federal” form of government, conflicts between national and state laws are resolved under the U.S. Constitution. The following is a brief comparison of the respective powers of a state legislature and the national government.

#### Powers of General Assembly

Unlike Congress, which has only the powers affirmatively given it by the U.S. Constitution and whatever additional powers are necessary to carry out those stated powers, a state legislature has all legislative powers that are not denied by the state or federal constitution. The Legislative Article of the Illinois Constitution says “The legislative power is vested in a General Assembly consisting of a Senate and a House of Representatives . . . .”<sup>1</sup> This broad grant means essentially that the General Assembly can pass laws on all subjects that are within the powers of the state. The Revenue Article has a similarly broad grant: “The General Assembly has the exclusive power to raise revenue by law except as limited or otherwise provided in this Constitution.”<sup>2</sup> Most other articles of the Constitution list more specific powers and/or duties of the General Assembly.

Of course, both the U.S. and the Illinois Constitution put various restrictions on the kinds of laws that can be enforced. These exceptions from the broad grant of authority to the legislative body are to protect against specific kinds of laws that are considered unfair to classes of persons, or harmful to the general public.

#### Powers of National Government

The U.S. Constitution of 1787 established a national government of limited powers. State laws were expected to govern the vast majority of matters that needed legal attention, with the national government largely confining itself to defending the nation, promoting interstate and international commerce, and settling disputes among states. The Civil War and its aftermath brought a fundamental change in the relationship between national and state powers. With ratification of the “post-Civil War” amendments (the 13th through 15th) to the U.S. Constitution, Congress and later the federal courts began to exert

power over matters formerly seen as being of purely state or local concern. The immediate purpose of these amendments was to protect the newly freed slaves against denial of citizenship rights, but these amendments eventually were used to support both Congressional and judicial economic and social regulatory measures.

Beginning in about the 1930s, Congress further extended the reach of national authority by using its appropriations and taxing powers to encourage states to establish and administer various programs under national standards. Such monetary inducements have led states to adopt many programs to get federal funds. These programs include unemployment insurance, medicaid, and programs of highway spending among many others.

With this background, it is not easy to determine where the boundary line lies between national and state powers in a given field. Congress has assumed major powers over business, commerce (whether interstate or merely “affecting” interstate commerce), and the national economy generally. Partly under the Commerce Clause<sup>3</sup> and partly under the 14th Amendment (which prohibits, among other things, denial by any state of rights of citizens of the United States), Congress has enacted many laws restricting various kinds of economic transactions by private businesses. Most such laws that were challenged have been upheld by the federal courts. Congress has also imposed some requirements directly on states (such as minimum-wage and maximum-hour laws). The latter have been upheld by a slim majority of the U.S. Supreme Court.<sup>4</sup>

When Congress enacts a comprehensive law or laws in a field, courts often say that it has “pre-empted” that field. This means that federal law has occupied that field, preventing states from enacting laws in it. Sometimes Congress clearly describes in a law the extent to which it intends to pre-empt state laws on the subject matter of the law. At other times, judges must decide whether the federal law is so comprehensive that it pre-empts the field.

#### Relation of State to Local Governments

In relation to county and municipal governments and special-purpose units, the state—with one exception—has complete sovereignty. That exception is home rule, exercised by Cook County and about 166 municipalities. The Illinois Constitution authorizes such home-rule units to enact ordinances dealing with all matters of local—as opposed to regional or state—concern. But even as to matters of local concern, the General Assembly can supersede home-rule powers by a law passed by a large enough majority in each house.

For more information on the powers of the General Assembly in specific areas, including home rule, legislators may want to consult another Legislative Research Unit publication: *1970 Illinois Constitution Annotated for Legislators* (4th edition 1996).



## Legislative Structure

The General Assembly consists of a 59-member Senate and a 118-member House of Representatives. Each of the state's 59 legislative (Senatorial) districts is divided into two representative districts. One senator is elected from each legislative district, and one representative from each representative district. These districts are redrawn after each decennial Census to have nearly equal populations. They were last redrawn in 2001.

All House seats are up for election every 2 years. All Senate and House seats, as redistricted, were up for election in 2002. Senate seats are divided by law into three groups; each group is assigned by lot to a sequence of terms consisting of two 4-year terms and one 2-year term during the 10 years until the next redistricting.<sup>5</sup> Those three groups are as follows for the five elections in 2002 through 2010 (covering the 10 years through 2012):<sup>6</sup>

Elected in 2002, 2004, and 2008 (terms of 2, 4, and 4 years):

Districts 2, 5, 8, 11, 14, 17, 20, 23, 26, 29, 32, 35, 38, 41, 44, 47, 50, 53, 56, 59

Elected in 2002, 2006, and 2008 (terms of 4, 2, and 4 years):

Districts 3, 6, 9, 12, 15, 18, 21, 24, 27, 30, 33, 36, 39, 42, 45, 48, 51, 54, 57

Elected in 2002, 2006, and 2010 (terms of 4, 4, and 2 years):

Districts 1, 4, 7, 10, 13, 16, 19, 22, 25, 28, 31, 34, 37, 40, 43, 46, 49, 52, 55, 58

## The Legislative Biennium

The first year and the second year of each General Assembly's existence are devoted to somewhat different legislative purposes, as explained in the paragraphs below. The Illinois Constitution says that any bill finally passed after May 31 may not take effect until June 1 of the *next* year unless it declares an earlier effective date *and* it was passed by at least three-fifths of the total membership of each house.<sup>7</sup> This provision is intended to encourage legislative adjournment by May 31. Another effect of this provision is to increase the minority party's leverage in June if the majority lacks the votes to pass a budget to take effect by July 1 when the state's fiscal year begins.

In 2000 the General Assembly adjourned its spring session on April 15. More recent adjournments have followed the more typical pattern of adjourning at the end of May (2001) or running into June (2002) or even July (2004). The table "Important Dates for the 94th General Assembly" near the end of this chapter gives approximate expected dates of actions in the 94th General Assembly.

Regular Session,  
Odd Year

The General Assembly convenes on the second Wednesday in January each year, as provided by the Illinois Constitution.<sup>8</sup> After electing officers at the beginning of its two-year existence and hearing the Governor's "State of the State" message, it meets rather infrequently for its first month. During that time, committees organize and bills are introduced and assigned to committees. Some committees may also begin holding hearings on bills. The Governor's budget message must be presented by the third Wednesday in February.<sup>9</sup> The appropriations process then begins, with introduction of bills to fund the state for the next fiscal year, which begins July 1.

Under legislative rules, bills must be introduced by early March to be considered during the spring session. The pace of committee work then accelerates. By late March, committee work begins to drop off and floor sessions become longer. From late March through adjournment (usually in May) is the period of heaviest floor activity in each house.

Rules of each house authorize its leader to set deadlines by which bills passed by the other house must be introduced, or be out of committee, in the second house.<sup>10</sup> The purpose is to avoid a "logjam" of bills at the end of the session. As a result, each house spends most of May on bills that have passed the other house. This requires more committee hearings and floor debate. Legislative efforts to reconcile differences between versions of bills as passed by both houses dominate the last week of the spring session. When work on the budget and other important bills is complete, the General Assembly adjourns for the summer.

*Veto Session*

Consideration of the Governor's vetoes dominates the "veto session" in the fall (usually in November). Each vetoed bill is returned to the house where it originated, which has up to 15 days to consider the veto.<sup>11</sup> The practice has been for both houses to convene in perfunctory session for one day at the start of the veto session to receive the Governor's veto messages, officially sent by the Secretary of State. They then reconvened for the last 3 of the 15 days to take action on override or other motions; and adjourned and reconvened on the last 3 of the next 15 days to consider veto actions taken by the other house. In 2004, due to an unusually early election and other scheduling considerations, the two parts of the veto session are being held closer together.

Each house can also act during the veto session on bills that it had not passed when the spring session adjourned, *if* they had moved far enough along in the legislative process to escape death under the deadlines for that year—or that house votes to waive the deadlines for a specific bill.

Regular Session,  
Even Year

The General Assembly reconvenes in the second (even-numbered) year on the second Wednesday in January. The Governor usually delivers the "State of the State" message then. The even-numbered session is often called a limited session because of House and Senate rules limiting what kinds of bills can be considered. Generally, these rules allow the hearing only of revenue or appropriation bills; bills of importance to the operation of state government; and emergency bills.<sup>12</sup> The Rules Committee of each house determines which bills are eligible.

After the Governor's "State of the State" message in January, and budget message on the third Wednesday in February, the General Assembly does not usually reconvene until after the March primary election, unless other matters

require early legislative attention. Thus the second-year session for practical purposes starts in late March. From then the schedule is about the same as in the first year—heavy committee work, followed by extended floor sessions, ending with agreement on budget issues and differences in substantive bills between the two houses. In 2000 the General Assembly accelerated that schedule, meeting frequently in February and March and adjourning in mid-April. That pattern was not followed in 2002 or 2004, probably due to state budget problems.

*Veto Session* The fall veto session in each even-numbered year begins after the November election. After adjournment of the veto session, legislators return for a brief session in January to finish the work of that General Assembly and adjourn *sine die* (“without day”—setting no date to return).

*Special Sessions* In addition to its regular sessions, the General Assembly sometimes is called into special session to address specific issues. These sessions are called by either a proclamation of the Governor, or a joint proclamation by the Senate President and House Speaker. A proclamation by the Governor describes the specific subject(s) for legislative deliberation during that special session; no other matters, except impeachments and confirmations of appointments, may be considered during the session. Calling a special session thus gives the Governor the advantage of defining an exclusive agenda and directing the attention of the public and legislators to it. This advantage achieves its greatest effect if the special session is called while the General Assembly is in recess (usually in the fall). But that effect is offset somewhat by the constitutional requirement that a bill passed after the intended session cutoff date (May 31) must have a three-fifths majority to take effect before June 1 of the next year.<sup>13</sup> Special sessions can also be called during a regular session, in which case legislators’ attention is not as concentrated on the Governor’s agenda.

When a special session is convened, the first order of business is to pass resolutions adopting rules for the special session (usually the same as those of the regular session), and naming the officers and committees of the regular session as those of the special session. There are no limits on the number of days a special session can last. Nor is there any requirement that it act on the Governor’s agenda. In 2004 the Governor called a record 17 special sessions after adjournment of the regular session.

The table “General Assembly Workloads, 1985 to 2004” at the end of this chapter gives statistics on the workload and vetoes considered in the last 10 General Assemblies. Figures for the 93rd General Assembly (2003-04) reflect only legislative action in the spring and special sessions.

## Legislative Organization

The opening day of a new legislative session marks a new beginning. A festive mood pervades each house. Families and friends of legislators fill the galleries. Flowers are on legislators’ desks. The Governor presides in the Senate, and the Secretary of State in the House, as the roll of members of the new General Assembly is taken, and justices of the Supreme Court administer the oath of office. The taking of the oath culminates a successful political campaign and begins a legislator’s term in office.

**Election of Officers** The first order of business is organization of each house—election of the President of the Senate and the Speaker of the House. Most of the time these elections are routine matters requiring only one ballot. The members-elect meet in party caucuses sometime before inauguration of the new General Assembly, and elect their candidates for Speaker or President. Then after the nominating and seconding speeches on opening day, the candidate of the majority party in each house is elected. As provided in the Constitution, the leader of the second most numerous party in each house is then designated as its Minority Leader.

After installation of the presiding officers, the next order of business is adoption of a resolution naming the other permanent officers of the legislative body—in the Senate, the Secretary and Assistant Secretary, Sergeant at Arms, and Assistant Sergeant at Arms; in the House, the Clerk, Assistant Clerk, and Doorkeeper. (None of these officers are legislators.) Upon the naming of officers, each house notifies the other that it is organized and ready for business. The four elected leaders also designate their assistants in the leadership. The President and Minority Leader of the Senate each names a main assistant leader, other assistant leaders, and a caucus chairman. The Speaker of the House names a majority leader, deputy majority leaders, assistant majority leaders, and a majority caucus chairman. The House Minority Leader names deputy minority leaders, assistant minority leaders, and a minority conference chairman.

**Selection of Seats** Before the opening-day ceremonies are concluded, members select their permanent seats in their house. Usually the party leaders get the first choice of seats, followed by other legislators based on seniority. If two or more members have equal seniority, the choice is determined by lot. Offices in the State House complex are assigned on a similar basis.

**Adoption of Rules** One of the first orders of business is adopting rules. Generally, the rules of the previous House or Senate are adopted as temporary rules. A rules committee is then appointed to draft rules for the new House or Senate. These rules, among other things, will determine the number, size, composition, and subject matter of committees, and set procedures for bill introduction, committee consideration, and final passage.

**Appointments to Committees** There are two types of committees: (1) Service committees, such as Rules, aid the legislative process but do not specialize in bills on particular subjects. (2) Standing (substantive) committees consider bills within particular subjects. Special committees are sometimes also created to deal with specific issues.

The Senate President, House Speaker, and Minority Leaders select committee members from their houses and parties.

The Speaker of the House and President of the Senate designate persons to chair committees, and the minority leader in each house designates minority spokespersons for committees. In naming other members to committees, the appointing authorities consider legislators' preferences, seniority, and occupational experience. The total size of each committee varies, but the majority party in each house has a majority on each committee.

## Constitutional Provisions

	The legislative article of the Illinois Constitution establishes several requirements for legislative procedure.
Open Meetings	Sessions of each house, and of their committees and commissions, must ordinarily be open to the public. A session of a house or one of its committees can be closed to the public if two-thirds of the members elected to that house determine that the public interest requires it. A meeting of a joint committee or commission can be closed if two-thirds of the members of both houses so vote. <sup>14</sup>
Public Notice of Meetings	Committees of each house, joint committees, and commissions must provide reasonable notice of their meetings, including the subjects to be considered. The rules of each house establish procedural details for providing notice. <sup>15</sup>
Witnesses and Records	Either house and any of its committees may subpoena witnesses and records relevant to a legislative purpose. <sup>16</sup> When the power to issue a subpoena is authorized by either house, it is signed by the presiding officer of that house or the chairperson of the committee issuing the subpoena. Unlike Congress, in which the subpoena power is used with some frequency, its use in the General Assembly is uncommon. A statute passed under this provision also permits legislative committees to take testimony under oath. <sup>17</sup>
Passage of Bills	<p>The Constitution contains the following requirements for passage of bills:</p> <ul style="list-style-type: none"> <li>• Laws can be enacted only by bill—not by resolution or other measure. Each bill must begin with this enacting clause: “Be it enacted by the People of the State of Illinois, represented in the General Assembly.”<sup>18</sup></li> <li>• Each bill must be read by title on three different days in each house before passage.<sup>19</sup> These events are called First Reading, Second Reading, and Third Reading. Third Reading, and sometimes Second Reading, are important stages in the passage of a bill.</li> <li>• Except for appropriation and revisory bills, each bill must be limited to one subject. Appropriation bills must be limited to appropriations.<sup>20</sup></li> <li>• Bills and any amendments must be printed or copied, and on legislators’ desks before final passage.<sup>21</sup> This is usually done by making them available on laptop computers provided to members, although paper copies are available on request.<sup>22</sup> Legislators can also view and download current bills and amendments using a table of contents available on the General Assembly Web site:  <p style="text-align: center;"><a href="http://www.legis.state.il.us">http://www.legis.state.il.us</a></p></li> <li>• Any bill to amend a law must set forth the entire text of any section proposed to be amended.<sup>23</sup></li> <li>• Final passage must be by record vote entered in the Journal of that house. On any other occasion, two senators or five representatives can require a record vote in their house. An ordinary bill can be passed only if approved by a majority of the members elected to that house.<sup>24</sup></li> </ul>

- To incur major state debt, a three-fifths vote of the members elected to each house is required (unless the voters in a referendum approve issuance).<sup>25</sup>
- The Speaker of the House and President of the Senate certify that all procedural requirements have been met in the passage of any bill.<sup>26</sup> The signatures of the legislative leaders are conclusive evidence that *procedural* requirements have been followed, and the courts will not hear evidence to the contrary. But their signatures do not establish compliance with *substantive* requirements, such as limitation of each bill to a single subject; the courts will examine challenged laws to determine compliance with those requirements.<sup>27</sup>
- Each bill passed goes to the Governor for approval or veto.<sup>28</sup>

## Other Legislative Functions

### Senate Confirmation of Governor's Nominations

If a nomination by the Governor requires confirmation by the Senate, the Constitution says the Senate is to act on the nomination within 60 session days or it will automatically take effect. If the Senate is in recess when a vacancy occurs, the Governor can make a temporary appointment, followed by a regular nomination when the Senate reconvenes. Senate rules require each nomination to be assigned immediately to the Executive Appointments Committee.<sup>29</sup> The nominee must appear before the committee unless a majority of all members of the committee waives an appearance. Traditionally the senator from the nominee's home district presents the nominee to the committee. The committee then reports its recommendation to the full Senate.

### Election Contests

The Constitution<sup>30</sup> and a statute<sup>31</sup> both provide for each house to judge election contests involving its members. The election of any person to the General Assembly can be challenged by any voter in that district. The voter must give notice by 30 days after the State Board of Elections announces the result. Thereafter either party to the challenge may take testimony, after giving the required notice to the other party or parties, and send depositions to the State Board of Elections, which transmits them to the legislative house whose seat is involved.<sup>32</sup>

When an election contest is filed with either house, the matter is referred to a committee to hear the contest and report its findings and recommendations to the full body, which decides the issue. House rules have detailed procedures for dealing with election contests.<sup>33</sup> The Senate has no rules on the subject.

### Impeachments

The Illinois Constitution gives the House sole power to investigate possible cause for impeachment of, and to impeach, executive and judicial officers. The vote of a majority of members elected is required to impeach. If an officer is impeached, the matter moves to the Senate for trial. Two-thirds of senators elected are required to convict; judgments on conviction may include removal from office and disqualification to hold any public office in the state. Impeachment, whether or not followed by conviction, does not bar ordinary criminal prosecution for the same conduct.<sup>34</sup>

Neither the House nor the Senate has any formal rules governing impeachment—a drastic remedy that is rarely attempted. But a Special Investigative Committee of the 90th General Assembly adopted 20 rules to govern the

impeachment procedures for then-Chief Justice James Heiple of the Illinois Supreme Court.<sup>35</sup> The rules were adopted specifically for that investigation, which did not result in impeachment. They presumably would be consulted if future impeachment proceedings are contemplated.

**Caucus or Party Conference** In Illinois, party caucuses or conferences are important bodies. They are the basis for electing legislative leadership and organizing a legislative body. In each house, each party has a caucus or conference chairman who presides at caucuses, held at various times during the spring or other sessions. The full House or Senate sometimes recesses to permit one or both parties to confer on a pending action. Caucus or conference meetings are closed to the public.

The general purpose of caucuses is to develop legislative strategies, compromise internal differences on policy, develop party discipline, and establish a party position on particular legislative matters. Sometimes a party caucus deems a matter to be of such importance that the caucus binds its members to its position on that issue.

## Legislative Behavior

**Decorum and Discipline** Whatever private opinion any senator or representative may hold of any colleague, on the floor of the Senate and House they are all considered to be honorable ladies and gentlemen. This courtesy helps keep floor debate civil.

The rules of debate require that matters before the body be considered on their merits. Personal derogation is out of order.<sup>36</sup> Any member slighted in discussion on the floor may rise on a point of personal privilege and respond to the derogatory remarks.

The Constitution gives each house authority to discipline its members for breach of decorum and more serious misconduct. This discipline can range from calling a member to order, to censure, to expulsion from that house. Members can be expelled only by a two-thirds vote of the members elected to that house, and only once for the same offense.<sup>37</sup> Rules of each house govern other issues of decorum and discipline.

**Legislative Immunities** The Illinois Constitution gives two kinds of legislative immunity. The first, immunity from arrest while traveling to or from or attending sessions of the General Assembly (except in cases of treason, felony, or breach of the peace),<sup>38</sup> is almost meaningless today because “breach of the peace” is interpreted to include ordinary crimes such as speeding. Thus this immunity in effect applies only to civil arrest, which almost never occurs today.

The other kind of immunity is more important. The Constitution says:

A member shall not be held to answer before any other tribunal for any speech or debate, written or oral, in either house. These immunities shall apply to committee and legislative commission proceedings.<sup>39</sup>

This protects legislators from suits for defamation for their statements made in the course of their official legislative duties. But it apparently does not protect statements made outside of legislative activity, such as in press conferences, election campaigns, or newsletters.



### Important Dates for the 94th General Assembly (projected)

(The actual session calendar will be established by the legislative leaders early in the session.)

<b>Month</b>	<b>Day</b>	<b>2005</b>
January	12	94th GENERAL ASSEMBLY CONVENES—MEMBERS SWORN IN
February	16	Governor's budget address
February	28	Last day to introduce bills in house of origin
March	17	Last day for committees to report bills in house of origin
	27	Easter
	30	Last day to pass bills in house of origin
May	6	Last day for committees to report Senate bills in the House and House bills in the Senate
	20	Last day to pass Senate bills in the House and House bills in the Senate
	27	Spring session adjournment
	30	Memorial Day
July	1	Fiscal year 2006 begins
Nov.	15-17	Veto session (first part)
Dec.	6-8	Veto session (second part)

### 2006

January	11	94th GENERAL ASSEMBLY RECONVENES Governor's State of the State address (traditional date)
February	15	Governor's budget address
March	2	Last day for committees to report bills in house of origin
	21	Primary Election
April	7	Last day to pass bills in house of origin
	16	Easter
	27	Last day for committees to report Senate bills in the House and House bills in the Senate
May	19	Last day to pass Senate bills in the House and House bills in the Senate
May	26	Spring session adjournment
	29	Memorial Day
July	1	Fiscal year 2007 begins
Nov.	7	General Election
	14-16	Veto session (first part)
Dec.	5-7	Veto session (second part)

### 2007

January	10	94th GENERAL ASSEMBLY ENDS; 95th CONVENES
---------	----	---

### General Assembly Workloads, 1985 to 2004

	84th 1985-86	85th 1987-88	86th 1989-90	87th 1991-92	88th 1993-94	89th 1995-96	90th 1997-98	91st 1999-2000	92nd 2001-02	93rd* 2003-04
<b>Bills introduced</b>	5,990	6,591	6,569	6,505	6,128	5,734	5,863	6,748	8,717	10,718
Senate	2,317	2,280	2,321	2,247	1,854	1,958	1,952	1,979	2,422	3,389
House	3,673	4,311	4,248	4,258	4,274	3,776	3,911	4,769	6,295	7,329
<b>Sent to Governor</b>	1,606	1,659	1,687	1,528	775	746	947	1,015	564	1,394
Senate	734	686	655	623	325	354	439	487	292	613
House	872	973	1,032	905	450	392	508	528	272	781
% of bills introduced	26.8%	25.2%	25.7%	23.5%	12.6%	13.0%	16.2%	15.0%	6.5%	13.0%
<b>Approved†</b>	1,365	1,331	1,393	1,264	671	679	830	925	517	1,263
Senate	635	568	527	527	286	325	384	445	272	541
House	730	763	866	737	385	354	446	480	245	722
% of bills sent to Gov.	84.9%	80.2%	82.6%	82.7%	86.6%	91.0%	87.6%	91.1%	91.7%	90.6%
<b>Reduction or item-vetoed</b>	135	107	40	26	0	0	0	1	0	16
Senate	78	56	22	14	0	0	0	0	0	1
House	57	51	18	12	0	0	0	1	0	15
% of bills sent to Gov.	8.4%	6.4%	2.4%	1.7%	0.0%	0.0%	0.0%	0.1%	0.0%	1.1%
<b>Totally vetoed</b>	126	195	154	174	54	21	68	50	28	78
Senate	61	62	79	64	18	12	30	24	14	40
House	65	133	75	110	36	9	38	26	14	38
% of bills sent to Gov.	7.8%	11.8%	9.1%	11.4%	7.0%	2.9%	7.2%	4.9%	5.0%	5.6%
<i>Overridden</i>	19	19	19	14	4	2	16	2	3	8
Senate	9	7	8	8	3	2	8	2	2	5
House	10	12	11	6	1	0	8	0	1	3
% of total vetoes	15.0%	9.7%	12.3%	8.0%	7.4%	9.5%	23.5%	4.0%	10.7%	10.3%
<b>Amendatorily vetoed</b>	115	133	140	90	50	46	49	40	19	53
Senate	38	58	49	32	21	17	25	18	6	32
House	77	75	91	58	29	29	24	22	13	21
% of bills sent to Gov.	7.1%	8.0%	8.3%	5.9%	6.5%	6.2%	5.2%	3.9%	3.4%	3.8%
<i>Accepted</i>	92	87	70	64	16	36	33	27	15	13
Senate	35	39	24	23	9	9	20	12	5	5
House	57	48	46	41	7	27	13	15	10	8
% of amend. vetoes	80.0%	65.4%	50.0%	71.1%	32.0%	78.3%	67.3%	67.5%	78.9%	24.5%
<i>Overridden</i>	6	14	8	2	1	1	0	0	0	10
Senate	0	4	1	0	0	1	0	0	0	7
House	6	10	7	2	1	0	0	0	0	3
% of amend. vetoes	5.2%	10.5%	5.7%	2.2%	2.0%	2.2%	0.0%	0.0%	0.0%	18.9%
<i>No action (died)</i>	17	32	62	21	33	9	16	13	4	30
Senate	3	14	24	8	12	7	5	6	1	20
House	14	18	38	13	21	2	11	7	3	10
% of amend. vetoes	14.7%	24.1%	44.3%	23.3%	66.0%	19.6%	32.7%	32.5%	21.1%	56.6%
<b>Laws enacted</b>	1,482	1,451	1,490	1,280	692	718	819	954	535	971
% of bills introduced	24.7%	22.0%	22.7%	19.7%	11.3%	12.5%	14.0%	14.1%	6.1%	9.1%
% of bills sent to Gov.	92.2%	87.5%	88.3%	83.8%	89.3%	92.2%	86.5%	94.0%	94.9%	69.7%

\* Data for the 93rd General Assembly are through September 2004.

† Includes appropriation bills reduction or item-vetoed, and bills that became law without the Governor's signature.

Sources: Compiled by Legislative Research Unit from *Laws of Illinois*; *Legislative Synopsis and Digest*; Legislative Information System reports, and General Assembly Internet site.

- Notes
1. Ill. Const., art. 4, sec. 1.
  2. Ill. Const., art. 9, sec. 1.
  3. U.S. Const., art. I, sec. 8, clause 3.
  4. See *Garcia v. San Antonio Metropolitan Transit Auth.*, 469 U.S. 528, 105 S. Ct. 1005 (1985) (5-4 decision), overruling *National League of Cities v. Usery*, 426 U.S. 833, 96 S. Ct. 2465 (1976) (5-4 decision).
  5. 10 ILCS 5/29C-15.
  6. 10 ILCS 5/29C-5; table provided Cristina Cray, State Board of Elections, October 27, 2004.
  7. Ill. Const., art. 4, sec. 10.
  8. Ill. Const., art. 4, subsec. 5(a).
  9. 15 ILCS 20/50-5, first paragraph, first sentence.
  10. House Rule 9(b) and Senate Rule 2-10(a), 93rd General Assembly.
  11. Ill. Const., art. 4, subsec. 9(c).
  12. House Rule 18(b) and Senate Rule 3-7(b), 93rd General Assembly.
  13. See Ill. Const., art. 4, sec. 10.
  14. Ill. Const., art. 4, subsec. 5(c).
  15. House Rule 21(a) and Senate Rule 3-11(e), 93rd General Assembly.
  16. Ill. Const., art. 4, subsec. 7(c).
  17. 25 ILCS 5/4.
  18. Ill. Const., art. 4, subsecs. 8(a) and (b).
  19. Ill. Const., art. 4, subsec. 8(d), first paragraph.
  20. Ill. Const., art. 4, subsec. 8(d), second paragraph.
  21. Ill. Const., art. 4, subsec. 8(d), first paragraph.
  22. Use of computer versions of bills is permitted under House Rule 39 and Senate Rule 2-7(b)(3), 93rd General Assembly.
  23. Ill. Const., art. 4, subsec. 8(d), third paragraph.
  24. Ill. Const., art. 4, subsec. 8(c).
  25. Ill. Const., art. 9, subsec. 9(b).
  26. Ill. Const., art. 4, subsec. 8(d), fourth paragraph.
  27. See *People ex rel. Kirk v. Lindberg*, 59 Ill. 2d 38, 320 N.E.2d 17 (1974) and *Benjamin v. Devon Bank*, 68 Ill. 2d 142, 368 N.E.2d 878 (1977).
  28. Ill. Const., art. 4, subsec. 9(a).
  29. Senate Rules 3-6(b) and 10-1(a), 93rd General Assembly.
  30. Ill. Const., art. 4, subsec. 6(d).
  31. 10 ILCS 5/23-2.
  32. 10 ILCS 5/23-12 to 5/23-17.
  33. House Rules 83 to 88, 93rd General Assembly.
  34. Ill. Const., art. 4, sec. 14.
  35. Rules of Special Investigative Committee of the 90th General Assembly Investigating Supreme Court Chief Justice James D. Heiple (filed April 29, 1997); 90th General Assembly H. Res. 89 (1997).
  36. House Rule 51(a) and Senate Rule 7-3(a), 93rd General Assembly.
  37. Ill. Const., art. 4, subsec. 6(d).
  38. Ill. Const., art. 4, sec. 12, first sentence.
  39. Ill. Const., art. 4, sec. 12, second and third sentences.



## CHAPTER 3

### CONTENTS

### PASSING A BILL

<b>Kinds of Bills</b> .....	1
<b>Form of Bills</b> .....	1
<b>Overview of Bill Procedure</b> .....	2
Three Readings .....	2
Deadlines for Action .....	3
“How a Bill Becomes Law” Chart .....	4
<b>Introduction, Sponsor, First Reading</b> .....	5
Duties of the Sponsor .....	5
Other Sponsors .....	5
Committee Sponsorship .....	5
<b>To Committee</b> .....	6
Committee Schedules .....	6
Committee Business .....	6
Committee Recommendations .....	6
Motion to Discharge Committee .....	7
Subcommittees .....	7
<b>Second Reading</b> .....	7
Proposal of Amendments .....	8
Form of Amendments .....	8
<b>Third Reading</b> .....	8
Recall to Second Reading .....	8
Floor Debate .....	8
Majorities Required for Passage .....	9
Postponing Consideration .....	9
Verification .....	10
“Lock-up” Motion .....	10

(continued on next page)

Contents	<b>Special Calendars</b> .....	10
(cont'd)	House Consent and Short Debate Calendars .....	10
	<b>Out of the First House, Into the Second</b> .....	11
	Concurrence; Conference Committees .....	11
	<b>Governor's Action on Bills</b> .....	12
	Total Veto .....	13
	Amendatory Veto .....	13
	Item and Reduction Vetoes .....	13
	Effective Dates of Laws .....	13
	Votes Necessary to Respond to Vetoes .....	15
	<b>Other Kinds of Measures</b> .....	15
	Constitutional Amendment Resolutions .....	15
	Constitutional Convention Proposals .....	16
	Executive Reorganization Orders .....	16
	Resolutions .....	17
	Adjournment .....	17
	<b>Legislative History</b> .....	18
	Journals and Debate Transcripts .....	18
	Calendars .....	18
	Legislative Synopsis and Digest .....	19
	Session Laws .....	19
	Statutory Compilation .....	19

## PASSING A BILL

Legislative procedure involves mainly motions, resolutions, and bills. Motions control the internal operations of a legislative house. Resolutions are ways of expressing opinions or doing a variety of things, other than enacting laws. Bills are used to enact laws. This chapter describes the handling of bills, and to some extent of resolutions. Specific floor procedures used for those purposes are described in Chapter 6: House (or Senate) Manual of Procedures.

### Kinds of Bills

Bills, and the laws that result from them, can be classified into three types: substantive, revisory, and appropriations.

*Substantive* bills propose to enact new laws, or to amend or repeal existing ones, in ways that would have substantive effects on the state's permanent body of law.

*Appropriations* bills propose to authorize expenditures of public funds by state agencies, in specific amounts, for specific purposes—usually for only one fiscal year. Under the Constitution, appropriations bills must be limited to that subject; they cannot contain substantive matter.<sup>1</sup>

*Revisory* bills propose nonsubstantive changes or correct minor errors in laws. They replace obsolete references with current ones, rearrange provisions, or resolve inconsistent changes in the same section. Revisory bills are exempt from the constitutional single-subject requirement, so a revisory bill can affect many laws on a variety of subjects and may be hundreds of pages long.

### Form of Bills

Regardless of their type, all bills are printed in the same general format. Each bill has a cover page giving its number (starting with Senate Bill 1 and House Bill 1 in each General Assembly), and listing its sponsor(s), any statutory sections it proposes to amend, and a synopsis of its contents. (The synopsis on the cover page summarizes the bill only as introduced; it does not change to reflect amendments to the bill.)

The second page begins with the bill's official (long) title and the enacting clause. Then, if it is an amendatory bill, its first section may name an existing law and list the section(s) of that law to be amended. The bill may have more than one amendatory section, each proposing amendments to a different existing

law. Immediately above each section of existing law that is shown with proposed changes, a citation in parentheses tells where that section is in the Illinois Compiled Statutes. Proposed additions to existing laws are underlined and text to be deleted is ~~struck through~~. But there is no underlining or striking through in sections proposing entirely new acts.

If a bill proposes to repeal an entire section or an entire act, it does not reprint the text to be repealed. Instead, it simply names the act and says that one or more of its sections listed by number are to be repealed.

A bill proposing a new appropriation does not refer to acts or sections to be amended. Rather, it names the agency to which the appropriation is to be made and lists amounts to be spent for each purpose. On the other hand, a supplemental appropriation amends an existing appropriation, and thus is written as an amendatory bill.

Each line of a bill is numbered in its left margin to help in referring to parts of it when drafting amendments. Near the end of a bill, often in its last section, may be a date it is to take effect if enacted.

If a bill is passed by the first house with any amendments, it is “engrossed”—meaning that all changes made by amendment(s) in the first house are consolidated into the text. If both houses have approved a bill, it is “enrolled”—printed in its final legislative version, which will go to the Governor.

Bills, amendments, and conference committee reports are available to legislators on laptop computers provided in the State House complex.

Bills, amendments, and conference committee reports are available to legislators on laptop computers that are used in the House and Senate chambers and elsewhere. However, the paper versions of those documents are still used in some situations. New members should become familiar with the characteristics of printed bills and amendments in each house. These include a bar code that identifies each document by its LRB number, and a stamp saying “adopted” to indicate that a House committee amendment has been adopted.

## Overview of Bill Procedure

The following paragraphs are a broad overview of how bills are passed. The text beginning on the next page gives more detail on passage procedures.

**Three Readings** The Illinois Constitution requires a bill to be read by title on three different days in each house before passage.<sup>2</sup> When a bill is introduced, the Clerk of the House or Secretary of the Senate gives it a number and reads its title a first time. It is then referred to that house’s Rules Committee for possible assignment to a standing (substantive) committee—unless at least three-fifths of the members elected vote to suspend the rule so requiring and allow it to go directly to a standing committee (which rarely happens). If the substantive committee to which a bill has been assigned recommends that it “do pass,” the bill will be returned to the full house and put on the order of Second Reading. When a bill is on Second Reading, amendments to it can be proposed on the floor. But such “floor amendments” cannot be considered by the full body



unless they are approved by its Rules Committee. On completion of this order, the bill is ready for Third Reading, on which it can be debated and either approved or rejected.

If a bill passes the first house, it goes to the second house—where the three readings, with committee review, amendment, and debate are repeated. If the second house approves it with no changes, it is then sent to the Governor.

If, on the other hand, the second house amends the bill and passes it in that form, the bill is returned to the first house for agreement (“concurrence”) with those changes. If the first house concurs with those changes, the bill has passed both houses in the same form and will be sent to the Governor. But if the first house instead refuses to concur with some or all of the changes, it so advises the second house. If the second house refuses to withdraw (“recede”) from its changes, it may ask that a conference committee be appointed. That committee, consisting of equal numbers of members from each house, will try to resolve the two houses’ differences on the bill. If the conference committee is able to resolve those differences, it sends a report recommending its proposed version to both houses. If both houses accept the report, the bill has been passed and will go to the Governor. If either house rejects the conference report, a second conference committee may be appointed and similar procedures followed.

The Governor can sign the bill—the final step in enacting a law—or return it to the General Assembly with any of four kinds of vetoes allowed by the Constitution. The General Assembly can then accept the veto, or override it and enact its earlier version despite the Governor’s objections.

#### Deadlines for Action

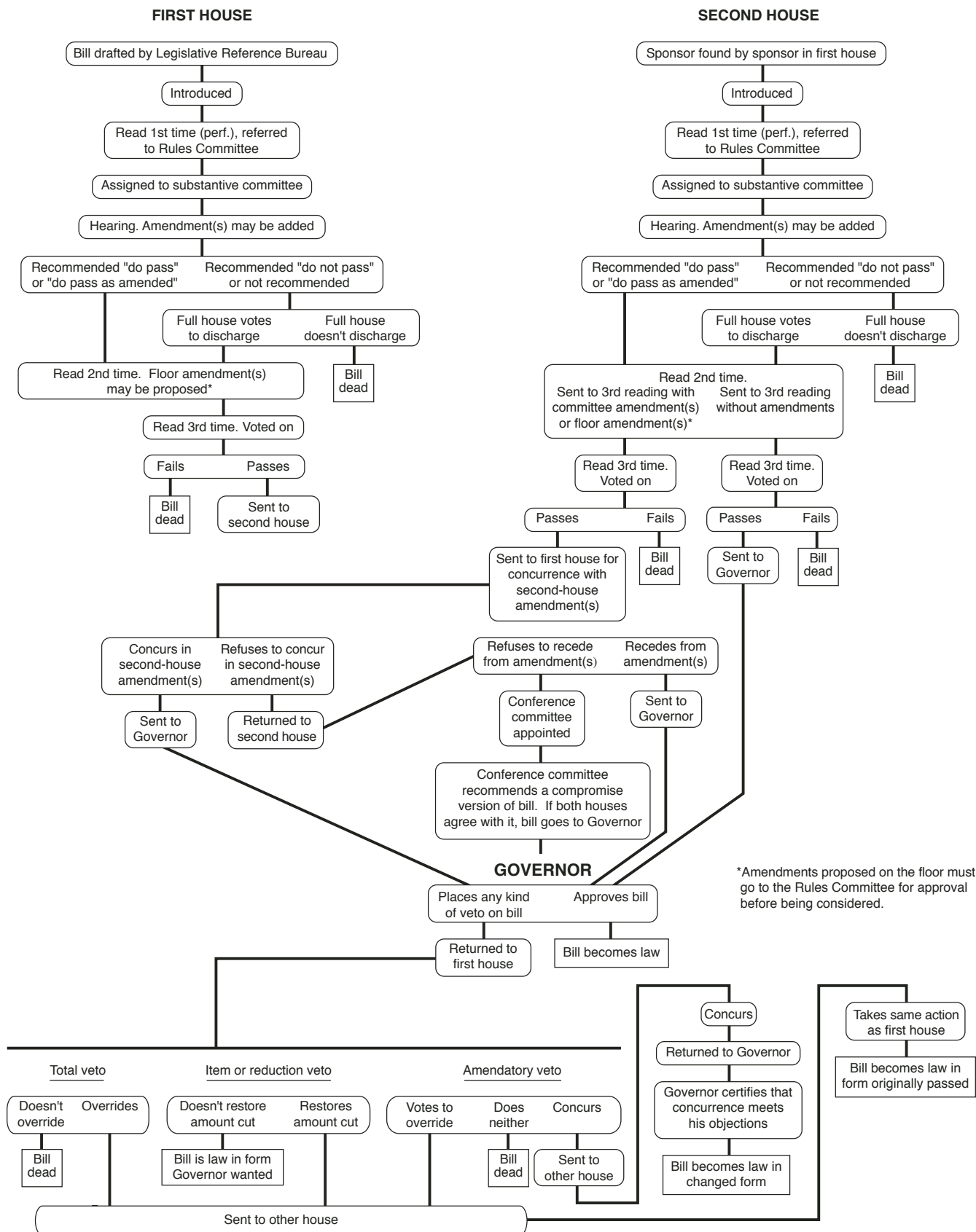
The rules set deadlines for getting bills past major hurdles in the legislative process—out of committee, passed by the house of origin, out of committee in the second house, etc. The General Assembly created these deadlines to reduce a problem that plagued legislative procedure for the first two-thirds of the twentieth century—logjams of bills at the end of session.

Until the deadlines were established in 1967, bills could be introduced and considered until the last days of a session. This allowed a large number of bills to be at various stages of the legislative process, even in the last month. Because there were so many bills to be considered in a short time, legislators felt overwhelmed, and sometimes gave the benefit of the doubt to bills they might have questioned if given more time.

The deadlines have not totally eliminated the long hours and heavy calendars at the end of each session. But they do help smooth out the workload, and allow a somewhat more deliberative consideration of bills and amendments.

The chart on page 4 shows in pictorial form the steps a bill must go through to become a law.

# How A Bill Becomes Law in Illinois



## Introduction, Sponsor, First Reading

To be introduced in either house, a bill must be sponsored by a member of that house. The sponsor usually gets the bill drafted by the Legislative Reference Bureau (LRB). The LRB provides enough additional copies of the bill to meet the filing requirements of that house (currently 12 in the Senate and 9 in the House).<sup>3</sup> The sponsor sends the required number of copies to the Clerk of the House or Secretary of the Senate. Then on a session day, when the order of business of First Readings of bills arrives, the Clerk or Secretary reads aloud the bill's number, principal sponsor, and title.

### Duties of the Sponsor

The sponsor of a bill is its chief proponent and guide through that house.<sup>4</sup> The sponsor arranges for it to be heard in committee and for witnesses to testify on its behalf; solicits a favorable vote from committee members; tries to accommodate any acceptable objections to it with modifying amendments; defends it against unfriendly amendments in committee and on the floor; controls its call on the calendar on Second and Third Readings; opens and closes debate on it; and takes other steps useful in managing it on the floor. If the bill passes the first house, its sponsor should arrange with a member of the second house to sponsor it there; otherwise any member of the second house can sponsor it. The sponsor in the first house will sometimes testify for the bill in committee in the second house, and usually helps the sponsor there to promote passage. Rules of the House and Senate allow the sponsor of a bill in the first house to ask the second house to replace its sponsor there; such requests go to the Rules Committee of the second house for consideration.<sup>5</sup>

### Other Sponsors

The principal sponsor of a bill controls its movement, but it can have either or both of two kinds of additional sponsors. The first are "chief co-sponsors" or "joint sponsors" (sometimes called "hyphenated" sponsors because their names follow hyphens, like the last two names in "Adams-Baker-Carr"). The rules allow one principal sponsor and no more than four chief co-sponsors in each house. The other kind of sponsors are ordinary co-sponsors, whose names are listed after commas or the word "and" (like the last two names in "Jones, Miller and Smith").<sup>6</sup> A principal sponsor often tries to get other sponsors who are of the other political party (to suggest nonpartisanship) and/or to get sponsorship from senior legislators—especially those with reputations for knowledge on the subject. But before agreeing to be a sponsor, a legislator needs to know what groups support or oppose the bill; who would benefit from and who would be harmed by it; and whether these interests are compatible with the legislator's political bases. Legislators also try to make sure that a bill they plan to help sponsor is not contrary to a position their party's leadership will take.

### Committee Sponsorship

Occasionally a committee decides, by majority vote, to introduce and sponsor a bill itself. In such cases the committee chairman controls the bill, and the committee is listed as its sponsor. Bills sponsored by a committee cannot have individual co-sponsors.<sup>7</sup>

## To Committee

After being introduced and read a first time, a bill goes to the Rules Committee, which may assign it to a standing committee for consideration and a recommendation. The chairman of each committee has principal responsibility for organizing and managing the work of the committee. A committee clerk keeps the committee records and takes the roll.

**Committee Schedules** Standing committees meet at regular times and places each week. As circumstances require during the session, they set additional meetings at other times.

**Committee Business** After bills are assigned to a standing committee, its chairman arranges for notices of all meetings, together with a list of bills scheduled for those meetings, to be posted at least as long before each meeting as the rules require. The chairman arranges with sponsors to schedule hearings on their bills; conducts meetings and sees that minutes are taken by the clerk; and at the end of the meeting sends the committee report on the bills to the Clerk of the House or Secretary of the Senate. The report includes a record of all roll calls taken on bills, and committee recommendations for action on them, along with any amendments the committee has adopted to them. Reports of House committees also include names of proponents and opponents testifying on them, and audio recordings of hearings.

If amendments are proposed in committee, the vote required to adopt each of them is a majority of the members appointed to the committee.<sup>8</sup>

**Committee Recommendations** The rules allow a standing committee to make any of the following recommendations to the full house on each bill it considers:

“Do pass” recommends that the bill pass in the form it was assigned to the committee.

“Do pass as amended” recommends that the bill pass with one or more amendments adopted in committee.

“Do not pass” recommends that the bill be tabled and receive no further consideration.

“Do not pass as amended” recommends that the bill with one or more amendments adopted in committee be tabled.

“Without recommendation.”

“Tabled” (in the House) or “re-referred to the Rules Committee” (in the Senate).<sup>9</sup>

Reports “without recommendation” are very rare. Any of the last four kinds of reports effectively kills a bill<sup>10</sup> unless the sponsor can get the full house to revive it. To do that, the sponsor files a motion to “take the bill from the table.” If that motion gets the votes of three-fifths of the members elected (36 in the Senate or 71 in the House)—or the Rules Committee has recommended that the bill be taken from the table and it gets 30 votes in the Senate or 60 in the House—it is put on the calendar on the order it had before being tabled.<sup>11</sup>

But there is a strong tendency in both houses to sustain a committee's "do not pass" recommendation.

If a bill is on the Agreed Bill list (described later), the committee usually votes at the beginning of the hearing that it "Do Pass." This gets noncontroversial bills out of the way before witnesses testify on other bills.

#### Motion to Discharge Committee

Committees do not act on all bills sent to them. A bill that appears to have problems may be allowed to sit in committee until the deadline for committee action on bills, when it will automatically be re-referred to the Rules Committee and usually receive no further action.

If a committee has not reported back **un**favorably on a bill assigned to it, any member may file on the floor a motion in writing to discharge the committee from further consideration of the bill. (This is often tried if the sponsor wants to remove the bill from an unfriendly committee. It can also be attempted if the sponsor failed to present the bill in committee before the deadline for committee action.) If enough members (a majority of members elected in the House or three-fifths in the Senate) vote to discharge, the bill is taken out of committee and advanced to Second Reading.<sup>12</sup>

#### Subcommittees

A committee may create a subcommittee to consider particular matters, such as a bill or group of bills on some subject.<sup>13</sup> Reasons for this range from considering several bills on the same subject in the hope of sending a composite bill to the floor, to using a subcommittee to bury a bill. A subcommittee can make recommendations to its committee, but only a full committee can report bills to the full house.

### Second Reading

After committee action on a bill, the Clerk of the House or Secretary of the Senate reads the committee report into the record on the next legislative day. Bills reported favorably are put on the order of Second Reading.

Second Reading can be a significant stage for a bill, especially if it is controversial. Debate on amendments may give a preview of debate on final passage. Opponents sometimes try to reduce a bill to meaninglessness with amendments, or "improve it to death" with amendments seemingly supporting it but actually multiplying its opponents. The sponsor defends the bill against hostile amendments. The sponsor may also try to amend the bill to compromise with opponents, or to make its meaning clearer.

However, in recent years the rules have considerably reduced the tactical importance of Second Reading. Second Reading was formerly used to propose surprise amendments or reintroduce amendments defeated in committee. It was also sometimes used by the minority party in each house to stall the proceedings and prolong debate. The rules now require that amendments proposed on the floor ("floor amendments") be automatically referred to the Rules Committee upon being filed. They cannot be considered by the full house unless allowed by the Rules Committee. The Rules Committee, in turn, can refer floor amendments to standing committees for review and consideration.<sup>14</sup>

**Proposal of Amendments** All amendments must be in writing, and must be confined to the subject of the bill (described as being “germane” to it). Any member can offer an amendment to a bill while it is on Second Reading by taking the proposed amendment to the office of the Clerk of the House or Secretary of the Senate, where it will be filed in the proper order. But as noted above, it must go to the Rules Committee to decide whether the full house can consider it.

Each proposed amendment must be on members’ desks before it can be voted on.<sup>15</sup> This is normally done electronically.<sup>16</sup>

**Form of Amendments** Amendments approved in committee are considered automatically adopted. Such “committee” amendments must be available to members at their desks when a bill is called for Second Reading.<sup>17</sup>

Amendments are numbered in the order offered, and an amendment’s number never changes. Any floor amendments approved by the Rules Committee for consideration by the full house are taken up on the floor in numerical order. They may be adopted on the floor by a voice vote (“All in favor vote ‘aye’ . . . all opposed vote ‘nay’ . . .”). Or if there is a request for a “roll call” (showing how each member voted), members vote using the switches on their desks, which are connected to the electronic voting board.

After all amendments have been considered, the bill has passed Second Reading and advances to the order of Third Reading.

### **Third Reading**

Third Reading is the pass-or-fail stage in each house. The Illinois Constitution requires a recorded vote showing how each member voted on a bill at this stage.<sup>18</sup>

**Recall to Second Reading** Bills cannot be amended while on Third Reading. But with the consent of the body, a bill can be returned from Third Reading to the order of Second Reading to add an amendment. But such an amendment is a floor amendment, and thus must go to the Rules Committee for approval. With the amendment added, the bill can return to Third Reading. This is a fairly common procedure. It is done if technical errors are discovered in a bill, or the sponsor discovers the need for an amendment to aid its passage.

By tradition in the Senate, if a bill is returned to Second Reading, after the bill is restored to Third Reading there must be at least one act of intervening business before the bill can be considered again. A sponsor may ask leave of the body to take a bill back to Second Reading at any time before completion of a vote on Third Reading.

At any time before a final vote on a bill, the sponsor can have it tabled with leave of the full house. If it is a committee bill, the vote must be by a majority of all members elected (a “constitutional majority,” discussed below).<sup>19</sup>

**Floor Debate** If a bill is on Third Reading, the sponsor (if prepared to take it up) will be recognized to describe the bill and its purposes, and ask for its passage.

After the sponsor has opened debate, any member may seek recognition from the chair, and when recognized, speak for or against the bill. No senator may speak more than 5 minutes on a question without the consent of the body;<sup>20</sup> speak more than once until every senator wanting to speak has spoken once; or speak more than twice on the same question.<sup>21</sup> No representative may speak more than 5 minutes at a time, or more than once on a question, without the consent of the House—except that if a bill is on “unlimited debate” status, the principal sponsor has 10 minutes to open debate and 5 minutes to close.<sup>22</sup> In either house, members may yield part or all of their allotted time to other members, allowing them to speak longer. Yielding debate time is permitted by rule in the House<sup>23</sup> and by custom in the Senate.

After all the members who want to speak have addressed the bill, the sponsor is allowed to close debate. Or if debate is lengthy, a member may “move the previous question” (that is, move that debate be cut off and the bill be voted on immediately). A motion for the previous question is nondebatable; a vote on it must be taken immediately.<sup>24</sup> But it should be used sparingly, since if successful it will prevent any additional speakers from addressing the issue.

#### Majorities Required for Passage

To pass on Third Reading, a bill must have the affirmative vote of a so-called “constitutional majority” of the members.<sup>25</sup> This means a majority of all the members who were elected (30 in the Senate or 60 in the House). In addition, to have some kinds of effects a bill must be passed by three-fifths of the members elected (36 in the Senate or 71 in the House). Those effects are:

- Making a bill passed after May 31 take effect before June 1 of the following year.<sup>26</sup>
- Restricting powers of home-rule units if the state itself does not exercise those powers.<sup>27</sup>
- Incurring long-term state debt without a statewide referendum.<sup>28</sup>

If a session extends beyond May 31, and a constitutional majority but fewer than three-fifths of the members elected to a house vote for a bill that contains an effective date before June 1 of the next year, the bill is not declared passed. But its sponsor can take it back to Second Reading and offer an amendment (subject to approval by the Rules Committee in the Senate, or the proper committee in the House) to delete the clause calling for an early effective date. If the amendment succeeds, the bill can again be taken up on Third Reading.<sup>29</sup> There are similar provisions for bills proposing to restrict home-rule powers that fail to get a three-fifths majority.<sup>30</sup>

#### Postponing Consideration

In either the House or the Senate, if a bill is failing to get a constitutional majority as shown on the electronic voting board’s running total, but has the votes of approximately two-fifths of all members elected (24 in the Senate or 47 in the House), then *before* the presiding officer announces its fate the sponsor can move that consideration of it be postponed. The bill is then put on the calendar on the order of bills on postponed consideration. This lets the sponsor halt further action on the bill, and call it for passage at a later time when that order of business is taken up. No bill may be put on postponed consideration more than once.<sup>31</sup> If leave is granted to postpone consideration, the bill is taken “out of the record” and no roll call is recorded in the Journal.

**Verification** A parliamentary tactic often used at the end of a roll call is a motion to verify the roll call. This is done if opponents question whether all the members shown as having voted for the bill were actually on the floor and voting. To verify the roll call, the Clerk or Secretary calls the name of each member listed as voting for the bill. (If the roll call is on a question that had to be decided by a majority of those voting on the question, it can also be necessary to verify the negative roll call.) As each member's name is called, the member calls out his or her vote, and the recording officer repeats the name and the vote. The name of any member who fails to respond is removed from the affirmative roll call. If enough votes are removed to reduce the majority below that needed for passage, the bill is defeated (unless the sponsor gets consideration postponed). A vote that has been removed will be restored to the affirmative roll call if the member returns to the floor and is recognized by the presiding officer before the final result of the verification is announced.

The rules prohibit members from changing their votes during verification.<sup>32</sup>

**“Lock-up” Motion** In each house one last motion, commonly called a “lock-up” motion, can be made within one legislative day after a roll call, but only by a person who was on the prevailing side in that vote. In a lock-up motion, the member moves to reconsider the vote by which the bill passed (or failed). A member who also voted with the majority then moves to table the first member's motion.<sup>33</sup>

In the case of a bill that passed, this motion (if successful) prevents any reconsideration of the bill in that house; it will leave that house and go to the other house. In the case of a bill that failed, the “lock-up” motion for practical purposes buries it after it has been killed on the roll call.<sup>34</sup>

(Any bill described here as “killed” or “buried” during a session of the General Assembly suffers only a tentative death until that General Assembly itself adjourns at the end of its 2 years. Rules can be suspended or amended, tabling motions can be reconsidered, and bills can be resurrected—if the votes are there to do so.)

## Special Calendars

Not every bill is a matter of deep partisan division or confrontation between strong interests. Most bills generate less conflict, and many are almost non-controversial. Each house has procedures to allow such bills to pass without unnecessary consumption of time.

**House Consent and Short Debate Calendars** The House has devised two orders of business to identify and dispose of non-controversial bills expeditiously: the Short Debate Calendar and the Consent Calendar.

If a bill in the House receives no negative votes in committee, the committee may put it on the Consent Calendar. A bill on that calendar is assumed to have no opposition and cannot be amended or debated on the floor. But members may ask questions about it and the sponsor may answer them. No bill or resolution requiring an extraordinary majority may be put on the Consent Calendar. All bills at passage stage on the Consent Calendar each day are moved and voted in a single roll call.<sup>35</sup>



A bill may be removed from the Consent Calendar before passage if its placement on that calendar is challenged by any one of six members appointed by the Speaker and Minority Leader to examine the Consent Calendar; by any four members of the House; or by the principal sponsor. A bill so removed cannot be put on the Consent Calendar again in that session without the consent of the person(s) who had it removed. A bill so removed goes to the Short Debate Calendar.<sup>36</sup>

If three-fifths of the members of a committee who are present vote in its favor, it is to be given Short Debate status.<sup>37</sup> The Short Debate Calendar is a useful method for limiting debate at times during the session when the regular calendar, and the hours in session, are growing longer.

Bills on the Short Debate Calendar are moved and voted individually like those on the regular calendar. But debate time is limited to 5 minutes per bill. The sponsor, or a proponent designated by the sponsor, gets 2 minutes to open; an opponent gets 2 minutes; and the sponsor gets 1 minute to close. If seven members so request before the close of debate, the bill will be opened to standard debate.<sup>38</sup>

The House also has an “Agreed Bill list.” This is a list of noncontroversial bills that are given expedited consideration in committee and on the floor.

The Senate has neither a short debate calendar nor an Agreed Bill list.

## Out of the First House, Into the Second

If a bill survives hostile witnesses, criticism in committee, and debate in the first house, it goes to the second house for more of the same.

When the bill arrives in the second house, the Secretary or Clerk reads a message saying that the bill has passed the first house and asking the second house to give it favorable consideration. The bill is then ordered printed and put on the order of First Reading. Each bill retains its original number when it moves to the second house. For example, Senate Bill 1234 is still Senate Bill 1234 while it is in the House, and House Bill 3456 is still House Bill 3456 in the Senate. After a member of the second house accepts sponsorship of the bill, it is officially read a first time and referred to committee.

From that point on, the procedure in the second house is essentially the same as in the first house.

If a bill passes the second house without amendment there, it has achieved final legislative passage and will be sent to the Governor.

Concurrence;  
Conference  
Committees

If the House and Senate pass different versions of a bill, a way must be found to resolve their differences or the bill will die. The first effort at such a resolution is made when the second house returns the bill to the first house and requests concurrence in its amendment(s). If the first house concurs in each amendment by the second house, the bill has achieved final passage and will be sent to the Governor.

If the first house refuses to concur, it sends a message to the second house asking it to recede from its amendment(s). If the second house recedes, the bill has achieved final passage and will go to the Governor.

If the second house refuses to recede, it requests appointment of a conference committee to seek a compromise. The leadership in each house appoints five persons to the committee—three from the majority party and two from the minority party.<sup>39</sup> A majority of all members of the committee must sign a conference report for it to go to the two houses for adoption.<sup>40</sup> Reports of conference committees cannot be amended when sent to the floor, but must be either adopted or rejected—although they may be “corrected” as described in the next paragraph.

If a conference committee says that it cannot agree on a report, or one house rejects its report, a second conference committee can be appointed. No more than two conference committees can be appointed for one bill.<sup>41</sup> However, a second conference committee report can be “corrected” if some imperfection is found in it whose correction can bring adoption. This is an informal procedure that has developed outside the rules.

In each house, bills returned to the first house for concurrence with the second house’s changes, and conference committee reports, are first referred to the Rules Committee for approval before being considered by the whole house. The Rules Committee can in turn refer the changes and conference committee reports to a standing committee for its approval.<sup>42</sup> If both houses adopt a conference committee report on a bill, the bill has achieved final passage.

After final passage of a bill, it is “enrolled” by its house of origin. This means it is compiled in its final legislative version. As required by the Constitution, the President of the Senate and Speaker of the House sign the bill to certify that all procedural requirements have been met.<sup>43</sup> The bill is then ready to go to the Governor.

## **Governor’s Action on Bills**

Within 30 days after passage, a bill must be sent to the Governor. If he approves the bill, he signs it and it becomes a Public Act. If the Governor does not approve the bill, he vetoes it by returning it with objections to the house where it originated. (If the General Assembly is not in session then, he files it with the Secretary of State, who forwards it and the veto message when the General Assembly returns.) If the Governor does not act on a bill within 60 days after it gets to him, it becomes law without his signature.<sup>44</sup>

The Illinois Constitution allows the Governor to make any of four kinds of vetoes to a bill: total, amendatory, item, or reduction. The last two apply only to appropriation bills. In practice, amendatory vetoes are used only on substantive bills. The following discussion describes each kind of veto, the possible legislative responses to it, and the effective date of the resulting law if the General Assembly repasses the bill.

**Total Veto** The Governor may reject an entire bill and return it with a statement of objections to the house where it originated. That house enters the objections on its journal. It may then, within 15 calendar days after receiving the bill, vote on an override. If that house, by vote of at least three-fifths of the members elected to it (71 in the House, 36 in the Senate), repasses the bill despite the veto, the bill goes to the second house. If the second house within 15 calendar days repasses the bill by vote of at least three-fifths of the members elected to it, the bill becomes a law. Otherwise it is dead.<sup>45</sup>

**Amendatory Veto** A Governor who approves the general purpose of a bill, but finds fault with one or more of its details, can return the bill “with specific recommendations for change” to the originating house. In practice this has meant that the Governor returns the bill with a proposed ‘amendment’ setting forth the exact text of each suggested change. The Constitution says an amendatorily vetoed bill is to be considered the same way as a vetoed bill, except that each house can accept the Governor’s recommendations by a mere constitutional majority (60 votes in the House and 30 in the Senate).<sup>46</sup>

Thus the General Assembly can respond to an amendatory veto in any of three ways:

- (1) Overriding the veto by three-fifths vote in each house. In that case the bill becomes law in the same version in which the General Assembly originally passed it.
- (2) Accepting the Governor’s recommendations by only a constitutional majority in each house. In that case the bill is returned to the Governor, and if he certifies that it conforms to his recommendations, it becomes a law. The Constitution does not say how long the Governor has to certify a bill (or to return it as a vetoed bill).
- (3) Neither accepting the Governor’s proposed changes, nor overriding the amendatory veto. In this case the bill is dead.

**Item and Reduction Vetoes** Item and reduction vetoes allow a Governor to cut parts (“line items”) from appropriation bills without vetoing them entirely. In an item veto, the Governor eliminates an entire line item; in a reduction veto, he merely reduces the amount of a line item. In either event, the amounts in the bill not eliminated or reduced become law immediately upon the Governor’s transmission of his veto message saying what amounts he has cut. But the majorities needed to restore those amounts differ. A line item that has been vetoed is treated like a completely vetoed bill; a three-fifths majority in each house is needed to restore it. On the other hand, an item that has been reduced can be restored to its original amount by a constitutional majority in each house.<sup>47</sup>

House and Senate rules set forth the formats of motions to respond to vetoes.<sup>48</sup>

**Effective Dates of Laws** A law does not necessarily take effect immediately after enactment. A law is enacted as soon as the last step required for its enactment has been taken. That may be (1) the Governor’s signing it, (2) failure of the Governor to act on it within 60 days after receiving it, (3) override of a veto, or (4) certification by the Governor that the bill conforms to the recommendations in an amendatory veto. If any of those things happens, a new law has been enacted and the Secretary of State will assign it a Public Act number.

However, when the new law will take effect depends on several facts. The Constitution says that a bill passed in any calendar year before the intended session end (midnight May 31), with no effective date in its text, will take effect on a uniform date set by statute.<sup>49</sup> A statute sets that date as January 1 of the next year.<sup>50</sup> Or such a bill may set an effective date in its text, which can be earlier or later than January 1.<sup>51</sup> (Many bills say that they are to take effect upon becoming law.)

In the case of a bill passed after May 31 in a calendar year, the Constitution says the resulting law cannot take effect until June 1 of the following year, *unless* it contains a specific earlier effective date *and* is passed by three-fifths of the members elected to each house.<sup>52</sup>

If a bill is totally vetoed, but the veto is overridden, its effective date is determined as if the Governor had signed it. That is, if it passed both houses in the same form before midnight May 31, it will take effect on its stated effective date if any; or if none is stated, on the following January 1.<sup>53</sup>

Determining the effective date of a law resulting from an amendatorily vetoed bill is more complex. The result depends on when the bill was “passed” as that term is used in the Constitution. If the General Assembly accepts the Governor’s recommended changes, the bill is “passed” for effective-date purposes on the day those changes are accepted by the second house. If that is after May 31 and the recommended changes are accepted by a majority but fewer than three-fifths of the members elected in each house, the effective date of the law will be June 1 of the next year.<sup>54</sup> Thus if a law resulting from acceptance of an amendatory veto is to take effect earlier, it must contain an earlier effective date and be repassed after the Governor’s amendatory veto by three-fifths of the members elected to each house.

On the other hand, if the General Assembly *overrides* the amendatory veto, the bill will become law in the version in which it originally left the General Assembly. It apparently will then be treated for effective-date purposes as if it had been totally vetoed and the veto overridden.<sup>55</sup> If it originally passed both houses (in the same form) before midnight May 31, it will then take effect on its stated effective date if any, or otherwise on the following January 1.

In the case of item and reduction vetoes, there is no similar complexity regarding effective dates. But some temporary confusion can be caused by the constitutional provision that line items not reduced in an otherwise item- or reduction-vetoed bill become law immediately.<sup>56</sup>

All these rules are subject to one additional rule: A law’s effective date cannot precede the day it becomes law.<sup>57</sup> For example, if a bill is passed before midnight May 31, and says that it will take effect immediately, but it is signed by the Governor (and thus becomes law) on August 15, its effective date is August 15. (However, on at least one occasion, in 1984, the Illinois Supreme Court has applied a change in law that had been passed by the General Assembly but was not yet effective when the relevant events took place. The General Assembly passed a bill to change the criteria for the death penalty shortly before a murder was committed, but its enactment was delayed by an amendatory veto on a different issue. Applying that change to the defendant benefited him by making him ineligible for the death penalty.<sup>58</sup>)

# Votes Necessary to Respond to Veto

The following table summarizes the legislative majorities necessary to act on each kind of veto.

<i>Type</i>	<i>Result desired</i>	<i>Majority required</i>	<i>Votes needed</i>	
			<i>House</i>	<i>Senate</i>
Total	Override	3/5	71	36
Amendatory	Override	3/5	71	36
	Accept	Constitutional majority*	60*	30*
Item	Restore	3/5	71	36
	Accept	(No legislative action needed)		
Reduction	Restore	Constitutional majority	60	30
	Accept	(No legislative action needed)		

\* If the General Assembly after May 31 accepts the Governor's recommendations, the resulting law cannot take effect until June 1 of the next year unless (1) it contains an earlier effective date and (2) at least a three-fifths majority in each house votes to accept the Governor's changes.

## Other Kinds of Measures

### Constitutional Amendment Resolutions

The General Assembly can send proposed amendments of the Illinois Constitution to the voters for their approval. This is done by joint resolution of the House or Senate. After introduction in either house, such a joint resolution follows a legislative path like that of a bill: First Reading, assignment to committee, report to the floor, Second Reading, Third Reading, and passage or defeat. If passed in the first house, it then follows a similar path in the other house. But there are two major differences from consideration of bills: (1) The vote required in each house to pass a proposed constitutional amendment is three-fifths of the members elected to that house. (2) A proposed constitutional amendment does not go to the Governor for approval. Instead, proposed constitutional amendments that pass both houses go on the ballot at the next general election occurring at least 6 months after final passage by the General Assembly.<sup>59</sup> Thus, a proposed constitutional amendment originating in the General Assembly must pass both houses by early May of an even-numbered year if it is to get on the ballot at that year's November election. The General Assembly cannot propose amendments to more than three articles of the Constitution to be voted on at any one election.<sup>60</sup>

A proposed amendment is approved and becomes part of the Constitution if it gets the favorable votes of either (a) three-fifths of the persons who vote on it at the election or (b) a majority of all persons who vote in the election.<sup>61</sup>

Another method is also provided for amending the Illinois Constitution: an initiative to amend the Legislative article. A petition signed by at least 8% of the number of voters who voted for candidates for Governor in the last election can propose amendments, limited to “structural and procedural” subjects in that article.<sup>62</sup> This method has been successful only once, in the so-called “Legislative Cutback Amendment” that was approved in 1980. It reduced the size of the House by one-third and eliminated cumulative voting, which had been used in House elections.

#### Constitutional Convention Proposals

Also by vote of three-fifths of the members elected to each house, the General Assembly can send to the voters the question whether to call a constitutional convention. A referendum on this question will then be held at the first general election occurring at least 6 months after adoption of that resolution. If three-fifths of those voting on the question, or a majority of persons voting at the election, approve this proposal, the next General Assembly must enact a law providing for electing delegates and organizing the convention. The Constitution also requires the Secretary of State to put the question of calling a constitutional convention to the voters once every 20 years if the General Assembly has not done so during that period.<sup>63</sup> That question was last put on the ballot in 1988, and was not approved by voters.

Proposed amendments to the U.S. Constitution, sent by Congress to the states for ratification, are also handled as House or Senate joint resolutions. Under the rules, they are referred to a committee in each house, and if reported favorably from committee and adopted by three-fifths of members elected, are ratified.<sup>64</sup> States cannot amend proposed amendments to the U.S. Constitution.

#### Executive Reorganization Orders

Under the previous (1870) Illinois Constitution, reorganization of executive agencies under the Governor was possible only by legislative revision of the laws that established those agencies. The 1970 Constitution streamlined this procedure, allowing the Governor to reorganize by executive orders. Until then, internal management reorganizations of an agency could take place only if they were consistent with the statute establishing the agency. Under the 1970 Constitution, the Governor can contravene such statutes by executive order if the General Assembly does not disapprove.

Whenever the Governor issues an executive order proposing a reorganization that would contravene a statute, a copy of the order is filed with the General Assembly. This must be done by April 1 in an annual session for the proposal to be considered during that session; otherwise the proposal will be considered at the start of the next annual session. If neither house disapproves of the order within 60 calendar days, it takes effect. A majority of the members elected to either house is needed to disapprove an executive reorganization order.<sup>65</sup>

Upon receipt in the House and Senate, an executive reorganization order is referred to a standing committee for hearing and recommendation. No floor action can occur on an executive reorganization order unless it is reported by committee or the committee is discharged from considering it.<sup>66</sup>

A statute on this subject attempts to limit the Governor's reorganization authority to reassignment of existing duties and functions among agencies under him. He cannot invent new responsibilities or repeal existing ones by executive order; that must still be done by statute. But the Governor can provide for creation of a new department to consolidate or separate some or all functions of some existing agencies. The statute also prohibits the Governor from reorganizing some independent regulatory boards by executive order.<sup>67</sup> Nothing in the constitutional section on executive reorganization prevents the General Assembly from reorganizing departments by statute. Statutory duties of other executive-branch officers can be reorganized only by statute.

If the General Assembly does not reject an executive reorganization order, the Legislative Reference Bureau drafts a revisory bill incorporating the provisions of the order,<sup>68</sup> and the General Assembly routinely passes it. Thus the statutes will reflect the changes made by the executive reorganization.

**Resolutions** Resolutions are the major methods the General Assembly uses to declare itself on a subject. A resolution typically states the grounds for its declaration in a series of "Whereas" clauses, then expresses the legislative will by saying "Be it resolved that . . . ."

The most common uses of resolutions are setting a date for adjournment for the week and the date for reconvening the next session week; adopting rules; expressing congratulations or condolences; creating committees or commissions; urging some public official or body to do something; or proposing a constitutional amendment. Resolutions in each General Assembly are indexed by type and subject in the *Legislative Synopsis and Digest* and listed on the General Assembly Web site.

There are House resolutions, Senate resolutions, House joint resolutions, and Senate joint resolutions. A House or Senate resolution, if passed by its house, expresses the will of that house. A joint resolution, if passed by both houses, expresses the will of the General Assembly.

Unless a resolution proposes a constitutional amendment, or is of another type which the rules require a specific majority to pass,<sup>69</sup> it can be adopted by a majority of those voting. Noncontroversial resolutions, such as those expressing congratulations or condolences, are put on a consent calendar and moved on one roll call in either house.

More substantive resolutions in either house are referred to a standing committee for its recommendation before going to the floor for a vote. Resolutions can be amended and debated on the floor before adoption or rejection.

**Adjournment** The Constitution says that neither house may adjourn for more than 3 days without the other's consent.<sup>70</sup> This is a common constitutional provision in states with two-house legislatures<sup>71</sup> to compel the houses to coordinate their working schedules. Thus the two houses must agree on any period of adjournment exceeding 3 days. This is done by adopting a joint resolution. The joint resolution, which can originate in either house, says that when that house adjourns on a particular date it will stand adjourned until a particular date and time, and when the second house adjourns on a particular date it will stand adjourned until a particular date and time.

A joint resolution on adjournment is usually adopted each week the General Assembly is in session until late in the session, when the two bodies may meet longer than a week with no breaks of as long as 3 days.

On rare occasions the two houses have gotten into such disagreement with each other that they could not agree on adjournment. In that case, if one house certifies to the Governor that a disagreement exists between the houses as to the time of adjourning a session, the Governor may adjourn the session—but not to a time later than the beginning of the next annual session.<sup>72</sup>

## Legislative History

As a bill is passed, it leaves a trail of records that can be examined later by interested legal researchers and historians. They are described below.

### Journals and Debate Transcripts

The Illinois Constitution requires each house to keep and publish a journal of its proceedings, and to keep and make available a transcript of its debates.<sup>73</sup> This work is done by the Clerk of the House and Secretary of the Senate.

The journal of each house is prepared from a variety of printed forms that are filled in as actions take place. The journals are printed during the night, for distribution to members before the next day's session. Late in the session, when bills are advanced or passed rapidly, the printed journal may not be ready until late the following day or even on the second day after its date. At the opening order of business for reading the journal of the previous day, members can call attention to any errors in it and move their correction.

After the close of the session, the daily journals are bound and indexed by bill number, sponsor, and subject. This is done by the Secretary of State's office and the Legislative Information System.

All floor debate is recorded on audiotape, and verbatim transcripts are prepared and kept by the Clerk of the House and Secretary of the Senate. The transcripts are not published, but copies are available from those offices, and later from the Secretary of State's Index Department and the State Library. Some transcripts and video recordings of House sessions are also offered on the General Assembly Web site.

### Calendars

The discussion earlier in this chapter described bills as being on the legislative calendar on some order of business. Each house prints a calendar for each session day. The printed daily calendar is prepared by the Clerk or the Secretary and put on members' desks before each session. It lists all bills in numerical order with sponsors' names and abbreviated synopses, under the order of business each bill is at in the legislative process (such as Second Reading or Third Reading). Appropriation bills are listed in boldface type; each bill that has been amended has a capital "A" next to it. Substantive resolutions are also listed on the calendar. Only bills, substantive resolutions, and formal motions in writing then pending before the whole house for disposition are on the daily calendar. Matters in committee are not listed. But the calendar does list committee meetings that are scheduled, and bills set for a hearing in each committee on that day. Daily calendars are distributed and



are available in the House and Senate bill rooms. When the legislative workload becomes heavy, a supplemental calendar is printed. This happens most often in the late days of a session when there is much traffic in concurrences and conference committee reports between the houses.

# Legislative Synopsis and Digest

The Legislative Reference Bureau prepares the weekly *Legislative Synopsis and Digest*. The “*Digest*” starts each year as a slim paperbound book, but during the spring session it grows to four thick paperbound volumes. It contains a brief summary of each bill and resolution introduced, in numerical order. It also summarizes amendments adopted, and the content of any note (such as a fiscal note) on the bill. After each such bill’s digest is a brief synopsis showing every legislative action taken on it to date. The last line of the bill’s synopsis shows its latest status. The *Digest* also indexes bills and resolutions by subject matter and sponsor, and indexes bills by the parts of the Illinois Compiled Statutes they would add, amend, or delete.

The *Digest* appears each week during the session, showing action through the previous Friday. It is cumulative for that year’s session. In the second year of a General Assembly it also shows bills still active from the first year. A Final edition of the *Digest* is issued after the close of the session. The *Digest* is provided without charge to legislators and some other government offices; other persons can subscribe to it for \$55 per year.

Up-to-date information on legislative action on bills is available on the General Assembly Web site, maintained by the Legislative Information System (LIS), and in printed daily LIS reports. These are valuable aids to legislators and the interested public.

# Session Laws

After each annual session of the General Assembly has closed, and the Governor has acted on all bills, the Secretary of State publishes the bound *Laws of Illinois* for that year, containing all of that year’s Public Acts and executive orders.

# Statutory Compilation

The Illinois Compiled Statutes is the official codification of Illinois laws. It classifies by subject all Illinois laws of a permanent nature (thus excluding appropriations). The citation for each section has three numbers. They are (1) the chapter in the Illinois Compiled Statutes being cited, (2) the act within that chapter being cited, and (3) the section within that act being cited. The Illinois Compiled Statutes are available on the General Assembly Web site and on CD-ROM discs from private legal publishers, making it possible to search them by computer for particular words or combinations of words.

# Notes

1. Ill. Const., art. 4, subsec. 8(d), second paragraph.
2. Ill. Const., art. 4, subsec. 8(d), first paragraph.
3. House Rule 37(e) and Senate Rule 5-1(e), 93rd General Assembly.
4. See House Rule 37(b) and Senate Rule 5-1(b), 93rd General Assembly.
5. House Rule 37(c) and Senate Rule 5-1(c), 93rd General Assembly.
6. See House Rule 37(a) and Senate Rule 5-1(a), 93rd General Assembly.
7. House Rule 37(b) and Senate Rule 5-1(b), 93rd General Assembly.
8. House Rule 40(b) and Senate Rule 5-4(b), 93rd General Assembly.
9. House Rule 22(a) and Senate Rule 3-11(a), 93rd General Assembly.
10. House Rule 24(a) and Senate Rule 3-12(a), 93rd General Assembly.
11. House Rule 61(a) and Senate Rule 7-11(a), 93rd General Assembly.
12. House Rule 58 and Senate Rule 7-9(a), 93rd General Assembly.

13. House Rule 14(a) and Senate Rule 3-3(b), 93rd General Assembly.
14. House Rule 18(e) and Senate Rule 3-8(b), 93rd General Assembly.
15. House Rule 40(d) and Senate Rule 5-4(d), 93rd General Assembly.
16. See House Rule 39 and Senate Rule 2-7(b)(3), 93rd General Assembly.
17. House Rule 40(d) and Senate Rule 5-4(d), 93rd General Assembly.
18. Ill. Const., art. 4, subsec. 8(c).
19. House Rule 60(b) and Senate Rule 7-10(b), 93rd General Assembly.
20. Senate Rule 7-3(g), 93rd General Assembly.
21. Senate Rule 7-3(g), 93rd General Assembly.
22. House Rule 52(e) and (a)(4), 93rd General Assembly.
23. House Rule 52(e), 93rd General Assembly.
24. See House Rule 59 and Senate Rule 7-8, 93rd General Assembly.
25. Ill. Const., art. 4, subsec. 8(c).
26. Ill. Const., art. 4, sec. 10.
27. Ill. Const., art. 7, subsec. 6(g).
28. Ill. Const., art. 9, subsec. 9(b).
29. House Rule 69(b) and Senate Rule 7-19(b), 93rd General Assembly.
30. House Rule 70 and Senate Rule 7-20, 93rd General Assembly.
31. House Rule 62 and Senate Rule 7-12, 93rd General Assembly.
32. House Rule 50 and Senate Rule 7-6(e), 93rd General Assembly.
33. House Rule 65(a) and (c), and Senate Rule 7-15(a) and (c), 93rd General Assembly.
34. House Rule 65(c) and Senate Rule 7-15(c), 93rd General Assembly.
35. House Rule 42(b) to (e), General Assembly.
36. House Rule 42(f), 93rd General Assembly.
37. House Rule 22(h), 93rd General Assembly.
38. House Rule 52(a)(1), 93rd General Assembly.
39. House Rule 73(c) and Senate Rule 8-2(c), 93rd General Assembly.
40. House Rule 74(b) and Senate Rule 8-3(b), 93rd General Assembly.
41. House Rule 76(c) and Senate Rule 8-5(b), 93rd General Assembly.
42. House Rule 18(e) and Senate Rule 3-8(b), 93rd General Assembly.
43. Ill. Const., art. 4, subsec. 8(d).
44. Ill. Const., art. 4, subsecs. 9(a) and (b).
45. Ill. Const., art. 4, subsecs. 9(b) and (c).
46. Ill. Const., art. 4, subsec. 9(e).
47. Ill. Const., art. 4, subsec. 9(d).
48. See House Rule 80 and Senate Rule 9-4, 93rd General Assembly.
49. Ill. Const., art. 4, sec. 10, first sentence.
50. 5 ILCS 75/1 ff.
51. Ill. Const., art. 4, sec. 10, second sentence.
52. Ill. Const., art. 4, sec. 10, last sentence.
53. *City of Springfield v. Allphin*, 74 Ill. 2d 117, 384 N.E.2d 310 (1978).
54. *People ex rel. Klinger v. Howlett*, 50 Ill. 2d 242, 278 N.E.2d 84 (1972); *Mulligan v. Joliet Regional Port Dist.*, 123 Ill. 2d 303, 527 N.E.2d 1264 (1988).
55. *People ex rel. AFSCME v. Walker*, 61 Ill. 2d 112, 332 N.E.2d 401 (1975) seems to support this conclusion, but is not entirely clear on it (since the amendatory veto there was overridden by more than three-fifths in each house). However, Attorney General's Opinion S-890 (1975 Ops. Atty. Gen., p. 77) and the Illinois Supreme Court's reasoning in other effective-date cases support the conclusion stated in the text.
56. See Ill. Const., art. 4, subsec. 9(d).
57. See 5 ILCS 75/1 and 75/2.

58. *People v. Kellick*, 102 Ill. 2d 162, 464 N.E.2d 1037 (1984).
59. Ill. Const., art. 14, subsec. 2(a).
60. Ill. Const., art. 14, subsec. 2(c).
61. Ill. Const., art. 14, subsec. 2(b).
62. Ill. Const., art. 14, sec. 3.
63. Ill. Const., art. 14, subsecs. 1(a) to (d).
64. House Rule 47 and Senate Rule 6-3, 93rd General Assembly.
65. Ill. Const., art. 5, sec. 11.
66. House Rule 16(d) and Senate Rule 3-6(c), 93rd General Assembly.
67. 15 ILCS 15/1 ff.
68. 15 ILCS 15/10.
69. See House Rule 45(b) and Senate Rule 6-1(b), 93rd General Assembly.
70. Ill. Const., art. 4, subsec. 15(a).
71. Nebraska, alone among the states, has a single-house (unicameral) legislature.
72. Ill. Const., art. 4, subsec. 15(b).
73. Ill. Const., art. 4, subsec. 7(b).



## CHAPTER 4

### CONTENTS

### THE MEDIA

The Press Corps .....	1
Floor Coverage.....	1
The Press Room .....	1
Legislative Press Offices.....	1
Illinois Information Service .....	2



## THE MEDIA

On each side of the rostrum at the front of the House and Senate chamber are boxes reserved for the press. On good days and bad, they cover the General Assembly. What they report largely determines how the public will perceive the General Assembly's work.

**The Press Corps**      The press corps operates through the Illinois Legislative Correspondents' Association (ILCA). The Association consists of reporters from wire services, newspapers, magazines, and radio and TV stations who cover the General Assembly and state government generally. They work from assigned spaces in the press room on the State House mezzanine. Names and pictures of reporters assigned to Springfield are in the *Illinois Blue Book*.<sup>1</sup>

Besides covering floor sessions, reporters also cover committee hearings, commission meetings, press conferences, and other newsworthy events. Some members of the press corps are full-time residents of Springfield; others come to town when the General Assembly is in session; still others come only occasionally. During sessions, interns in the University of Illinois at Springfield's Public Affairs Reporting Program join the career reporters.

**Floor Coverage**      The rules of each house prohibit access to the floor itself by members of the press during sessions. The areas reserved for use of the press are the boxes along the floor and the sections of the gallery set aside for cameras and sound equipment.<sup>2</sup> Televising sessions, making recordings, or taking photographs is by tradition done only with permission from the President of the Senate or the Speaker of the House, which is usually granted unless there is an objection.

**The Press Room**      The press room, in the State House mezzanine, is managed by a press secretary, who besides supervising its physical facilities also distributes press releases, posts notices of interest to members of the press, and schedules use of its facilities for press conferences. The area reserved for press conferences has a platform for speakers, seating for reporters, and facilities for electronic recording. Most meetings between reporters and legislators are less formal than actual press conferences, and are arranged by mutual convenience.

**Legislative Press  
Offices**      Each leadership staff has a press office. These press officers help legislators prepare press releases and other matters relating to the media, and constituent newsletters.

Illinois Information Service	The Illinois Information Service (IIS) within the Department of Central Management Services has radio and television recording facilities available to legislators to prepare reports or programs for distribution to broadcasting stations they choose. A number of legislators send weekly reports to radio stations in their districts for broadcast. Videotapes are commonly broadcast only if requested by a station, or sent in the form of "TV beepers." (In those, station reporters quiz the legislator by telephone in the IIS studio, and the legislator is videotaped answering them for later broadcast.) Users must pay for all tapes and postage. IIS can supply mailing lists. Arrangements for using the IIS facilities usually are handled through the Senate and House leadership press staffs.
------------------------------------	--

- |       |   |
|-------|---|
| Notes | <ol style="list-style-type: none"><li>1. See <i>Illinois Blue Book</i> 2003-2004, pp. 145-148.</li><li>2. See House Rule 30(a) and Senate Rule 4-3(a), 93rd General Assembly.</li></ol> |
|-------|---|



## CHAPTER 5

### CONTENTS

### GENERAL ASSEMBLY PROCEDURES

<b>House and Senate Rules</b> .....	1
Daily Order of Business .....	1
<i>Special orders</i> .....	2
<b>Motions</b> .....	2
Suspend a Rule .....	2
Previous Question .....	2
Point of Order.....	2
Lay a Matter on the Table .....	2
Take a Matter From the Table.....	2
Discharge a Committee .....	2
<b>Relationship Between Houses</b> .....	3
Messages Between Houses .....	3
Joint Sessions .....	3
Joint Rules .....	3
<b>Daily Orders Of Business In</b>	
<b>The 93rd General Assembly</b> .....	4



## GENERAL ASSEMBLY PROCEDURES

### House and Senate Rules

A legislative body must have rules before it can make laws. Each house usually adopts as temporary rules its rules from the previous General Assembly. Later in the session, each house's Rules Committee proposes permanent rules for adoption by the full house.

A thorough knowledge of the rules is crucial to getting a bill passed. There are also some customs, especially in the Senate, that it is helpful for new legislators to learn. The "Manual of Procedures" for the House or Senate (chapter 6 of this publication) can help new legislators get started on legislative procedures.

The rules provide a method for a majority to work its will. They also guarantee some rights to the minority party and to individuals. Also, rules exist to promote the flow of business, not to obstruct it. Thus they can be suspended with the consent of the body—except those whose requirements come from the Illinois Constitution.

Sometimes a rule's purpose is simply to establish order where there could be confusion. An example of this kind of rule is the one in each house ranking the precedence of kinds of motions while debate is underway.<sup>1</sup>

When there is a question about the application of the rules, the presiding officer decides it. In ruling on procedural questions, the presiding officer is aided by the parliamentarian, a staff person who is usually present during legislative proceedings. The rules also establish a recent edition of *Robert's Rules of Order* as the authority on questions not specifically covered by the rules.<sup>2</sup>

Rulings by the presiding officer are not always final. If a number of members disagree with the officer's ruling, they can "appeal the ruling of the chair." If three-fifths of members vote to sustain the appeal, the ruling of the chair is overturned.<sup>3</sup> A warning should be noted: Motions to appeal the ruling of the chair are most often used by the minority party to challenge the majority leadership. A vote by a member of the majority party to sustain such a motion is taken as a vote against that party's leadership.

#### Daily Order of Business

Each house has a daily order for considering items of business on regular session days.<sup>4</sup> Not every item on it is taken up every day, and the order can be varied under the rules. The daily orders for the 93rd General Assembly are shown at the end of this chapter.

*Special orders* The House sometimes takes up a special order of business, set by either the Rules Committee or the Speaker.<sup>5</sup> A special order is set on the calendar for a particular date. When its time comes, the body can consider only the subject of the special order. (An example of a special order might be to consider bills on a pressing subject.)

## **Motions**

Several types of motions often made during sessions are described below.

**Suspend a Rule** This motion is made to suspend temporarily the operation of the rule cited in the motion, clearing the way for a proposed action.

**Previous Question** This is a motion to cut off debate and proceed immediately to a vote on the question under debate. This motion itself is not debatable. If it fails, debate continues; if it succeeds, the vote on the question that was being debated must immediately occur. It requires 60 votes in the House or 30 in the Senate.<sup>6</sup>

**Point of Order** This inquiry questions the procedural appropriateness of something that has been done.

**Lay a Matter on the Table** This motion—to “table” a measure—puts the measure that is under consideration aside without voting on its substance.<sup>7</sup> On rare occasions the measure is later “taken from the table” to be considered again. Unless that happens, it has been effectively buried.

**Take a Matter From the Table** This motion can apply to any item that is on the Speaker’s table in the House or on the Secretary’s desk in the Senate. The motion is used to revive a bill that was reported unfavorably by a standing committee and thus is “lying on the table.” A motion to take from the table requires the approval of a majority of members elected if it is recommended by the Rules Committee; otherwise it requires three-fifths of those elected.<sup>8</sup>

**Discharge a Committee** This motion is made by the sponsor of a bill or resolution to remove it from the committee to which it was assigned and bring it to the floor for Second Reading. This action requires 60 votes in the House or 36 in the Senate,<sup>9</sup> and is seldom taken in either house.

The last two motions described above make exceptions to normal legislative procedure. Thus there is a predisposition against them. Also, in parliamentary procedure some motions are debatable but others are not. Simple motions on procedure are not debatable; those on substantive questions are. If a type of motion is nondebatable, the rule governing it usually so states.<sup>10</sup>

In addition to the House and Senate rules, further guidance on procedure can be found in parliamentary manuals such as *Robert’s Rules of Order* and *Mason’s Manual of Legislative Procedure*.

## Relationship Between Houses

In a legislature of two houses, either house can stop a bill; both houses are needed to pass one. While each house is constitutionally independent and guards its powers against encroachment by the other, they must maintain a working relationship to get bills to the Governor. The following are the major ways this can be done.

Messages Between Houses	The two houses communicate formally by messages passed between them. Whenever one house takes an action that requires action by the other to complete it, the Clerk or Secretary of the house taking that action sends a written message to the corresponding officer of the other house, informing it of the action and requesting its concurrence. The most common such messages say that the other house has passed a bill or adopted a weekly adjournment resolution.
Joint Sessions	The House and Senate occasionally meet in joint session. These are ceremonial occasions to hear the Governor deliver his State of the State message or another address, or to hear a distinguished visitor. They are held in the House chamber.
Joint Rules	The two houses at one time adopted joint rules to govern their joint business. That has not been done since 1977.
Notes	<ol style="list-style-type: none"> <li>1. See House Rule 55 and Senate Rule 7-5, 93rd General Assembly.</li> <li>2. House Rule 99 and Senate Rule 12-2, 93rd General Assembly.</li> <li>3. House Rule 57(a) and Senate Rule 7-7(a), 93rd General Assembly.</li> <li>4. House Rule 31 and Senate Rule 4-4, 93rd General Assembly.</li> <li>5. House Rule 44, 93rd General Assembly.</li> <li>6. House Rule 59 and Senate Rule 7-8(a), 93rd General Assembly.</li> <li>7. House Rule 60 and Senate Rule 7-10, 93rd General Assembly.</li> <li>8. See House Rule 61 and Senate Rule 7-11, 93rd General Assembly.</li> <li>9. House Rule 58 and Senate Rule 7-9, 93rd General Assembly.</li> <li>10. See House Rules 59, 60, and 66, and Senate Rules 7-8, 7-10, and 7-16, 93rd General Assembly.</li> </ol>

## **DAILY ORDERS OF BUSINESS IN THE 93rd GENERAL ASSEMBLY**

- House*
1. Call to order, invocation, pledge of allegiance, and roll call
  2. Approval of the Journal (of the last session day)
  3. First Reading of House bills
  4. Reports from committees (the Rules Committee can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of House bills
  7. Messages from the Senate (except reading Senate bills a first time)
  8. Second Reading of House bills
  9. Third Reading of House bills
  10. Third Reading of Senate bills
  11. Second Reading of Senate bills
  12. First Reading of Senate bills
  13. House Bills on the order of concurrence
  14. Senate Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
  18. Motions on vetoes
  19. Resolutions
  20. Motions to discharge committee
  21. Motions to take from the table
  22. Motions to suspend the rules
  23. Consideration of bills on postponed consideration

- Senate*
1. Call to order, invocation, and pledge of allegiance
  2. Reading and approval of the Journal of the last session day
  3. First Reading of Senate bills
  4. Reports from committees (the Rules Committee can report at any time)
  5. Presentation of resolutions, petitions, and messages
  6. Introduction of Senate bills
  7. Messages from the House (except reading House bills a first time)
  8. Second Reading of Senate bills
  9. Third Reading of Senate bills
  10. Third Reading of House bills
  11. Second Reading of House bills
  12. First Reading of House bills
  13. Senate Bills on the order of concurrence
  14. House Bills on the order of non-concurrence
  15. Conference committee reports
  16. Motions in writing
  17. Constitutional amendment resolutions
  18. Motions on vetoes
  19. Resolutions
  20. Motions to discharge committee
  21. Motions to take from the table
  22. Motions to suspend the rules
  23. Consideration of bills on postponed consideration

Sources: House Rule 31 and Senate Rule 4-4, 93rd General Assembly.

# CHAPTER 6

## CONTENTS      MANUAL OF HOUSE PROCEDURES

### **Preliminary Matters**

Call to Order, Invocation, Pledge of Allegiance; Attendance Roll	
Call; Excuses and Leaves of Absence.....	2

### **Bills**

Introduction and First Reading .....	4
Second Reading.....	4

### **Debate on Bills**

Third Reading; Question of the Sponsor; Closing Debate.....	6
---	---

### **Rounding Up Votes**

Voting Procedure for Roll-Call Votes; Verification .....	8
Postponed Consideration .....	10

### **Interrupting Proceedings**

Recognition Out of Pending Order; Recognition During	
Debate; Point of Personal Privilege.....	10
Point of Order; Appeal Ruling of the Chair.....	13
Parliamentary Inquiry; Motion for Previous Question.....	14

### **Frequent Motions**

Table a Bill; Suspend a Rule; Discharge Committee .....	15
Take From Table; Reconsider a Vote; “Lock-up” Motion .....	16

### **Joint Action Between the Houses**

Senate Bills; House Bills Amended in the Senate;	
Conference Reports.....	17

### **Resolutions**

Constitutional Amendment; General .....	18
Congratulatory; Death .....	19





## MANUAL OF HOUSE PROCEDURES

### **Introduction**

This manual, prepared for new members of the House of Representatives, is intended to provide an introduction to the most common House floor procedures. It offers examples of dialog used to transact routine legislative business. Commentary is provided on the right-side page beside the dialog to which it relates, or within brackets under it.

Details on procedures are in the House Rules. Major rules governing floor procedure in the 93rd General Assembly are cited in endnotes following this manual. A few procedural requirements are imposed by the Illinois Constitution. Where these sources do not specifically cover a point, *Robert's Rules of Order* is used as a parliamentary authority. In addition, some unwritten traditions and practices have developed over the years. The most important are reflected in this manual.

The first edition of this manual was written in 1966 by Annabelle Lewis Patton. It has been revised through the years by the Legislative Research Unit staff with help from parliamentarians and members of the House. This 2004 revision reflects the 93rd General Assembly House Rules.

## **PRELIMINARY MATTERS**

### **Call to Order, Invocation, Pledge of Allegiance**

Speaker: [GAVEL.] The House will be in order and the members will please be in their seats.

Speaker: We will be led in prayer today by \_\_\_\_\_.  
[GAVEL, members rise.]

Speaker: Representative \_\_\_\_\_ will lead us in the pledge of allegiance.

Representative: [Leads pledge]

### **Attendance Roll Call**

Speaker: Roll call for attendance.

[Representatives press the buttons at their desks to show their presence.]

### **Excuses of Absence and Leaves of Absence**

Speaker: The Majority Leader is recognized to report any excused absences on the \_\_\_\_\_ side of the aisle.

Majority Leader: Mr. Speaker, I ask that the Journal show that Representative \_\_\_\_\_ be excused because of \_\_\_\_\_.

Speaker: The Journal will so show. [The procedure is repeated, with the Minority Leader reporting excused absences from that side of the House.]

Speaker: Mr. Clerk, take the record. There being \_\_\_\_ members answering the roll, a quorum is present.

## **COMMENTARY**

### **Order of Business**

House Rule 31 establishes the daily order of business. This order is followed unless decided otherwise by the Speaker or Presiding Officer, who can decide the order of business before the House.<sup>1</sup>

### **Attendance Roll Call**

The roll call for attendance determines entitlement to the legislative per diem. The electronic voting machine is used to save time. Members arriving late must add their names to the roll call.

### **Quorum**

A quorum is a majority of the members elected to the House (60 members). A quorum, once having been established, is presumed to be still present unless it is questioned.

## **BILLS**

### **Introduction and First Reading**

Speaker: First Reading of House Bills.

Clerk: House Bill 6001; by the Speaker and Minority Leader. A bill for an Act making a supplemental appropriation for the printing of bills. First Reading of the bill. House Bill 6002; by Representative \_\_\_\_\_. A bill for an Act to regulate \_\_\_\_\_.

Speaker: The bills are referred to the Rules Committee.

### **Second Reading**

Speaker: House Bills on Second Reading. House Bill 2501.

Clerk: House Bill 2501. A bill for an Act to amend section 7-10 of the Election Code. Second Reading of the bill. Amendment No. 1 adopted in Committee.

Speaker: Any floor amendments approved for consideration?

Clerk: Amendment No. 2, by Mr. \_\_\_\_\_.

Speaker: The gentleman from \_\_\_\_\_, Mr. \_\_\_\_\_.

Member: Mr. Speaker, ladies and gentlemen of the House, Amendment No. 2 [explains changes, argues for adoption.] I move the adoption of Amendment No. 2.

Speaker: Is there any discussion on the amendment?

If not, the question is on the gentleman's motion for adoption of Amendment No. 2. All in favor say aye; all opposed nay. The ayes have it.

[Afterward there may be an inquiry about other necessary matters.]

Speaker: Has a fiscal note been filed?

Clerk: A fiscal note has been filed.

Speaker: Third Reading.

## COMMENTARY

### **First Reading of Bills**

Bills and resolutions are filed with the Clerk by members before or during the session. They are assigned numbers in the order in which filed. When this order of business is called, they are introduced and read a first time by number, sponsor, and title, and referred to the Rules Committee,<sup>2</sup> which may then assign them to substantive committees for hearing.<sup>3</sup>

### **Amendments**

An amendment can be offered either in committee (a “committee amendment”) or on the floor while a bill is on Second Reading (a “floor amendment”). However, a floor amendment can be considered only if it has first been approved by a committee, as described below. Proposed amendments to a given bill, wherever they are offered, are numbered in a single sequence, and the number of each proposed amendment stays the same regardless of what happens to it or other amendments.

#### **Committee Amendments**

Normally only the principal sponsor of a bill, or a member of the committee that is considering it, can offer an amendment to it in committee. Amending a bill in committee requires the favorable vote of a majority of all members appointed to the committee.<sup>4</sup> If a bill is voted “do pass as amended” in committee, it goes to the floor with the committee amendment(s) still as separate documents, but already adopted.<sup>5</sup>

#### **Floor Procedure for Amendments**

Committee amendments are normally not debated on the floor, having already been adopted in committee. But a member can move on the floor to table a committee amendment, thus deleting it from the bill, if that motion has first been referred back to the House by the Rules Committee or another committee. Such tabling requires 60 votes.<sup>6</sup>

After any motions to table committee amendments are disposed of, the House can consider any floor amendments. No floor amendment is in order unless it has first been approved by the Rules Committee, or by another committee to which the Rules Committee may have referred it.<sup>7</sup>

Debate on a floor amendment is limited to a 3-minute presentation by the principal sponsor or a designee; debate by one proponent and two members in response; and 3 minutes for the principal sponsor to close debate or yield to other members.<sup>8</sup>

The vote required to adopt a floor amendment is a simple majority of those voting<sup>9</sup>—not a “constitutional majority.”

### **Advancing Bills to Third Reading**

After all amendments offered are disposed of, by votes or by withdrawal, the Presiding Officer always orders the bill advanced to the order of Third Reading. There it will appear on the calendar the next legislative day, when it can be called for passage.

## DEBATE ON BILLS

### Third Reading

Speaker: House Bills on Third Reading. [Rings a bell on voting machine to alert members to Third Reading—the passage stage.]

Clerk: House Bill 1501, a Bill for an Act to amend the Environmental Protection Act. Third Reading of the bill.

[Clerk reads bill by number and title.]

Speaker: The lady from \_\_\_\_\_, Representative \_\_\_\_\_ [sponsor] is recognized.

Sponsor: Mr. Speaker, ladies and gentlemen of the House, . . . . [Explains and opens debate on bill.]

### Question of the Sponsor

Member: Will the sponsor yield?

Sponsor: [Nods assent.]

Speaker: She indicates she will.

Member: Thank you. Ms. \_\_\_\_\_, will this bill \_\_\_\_\_?

[Any other member can seek recognition to debate the bill.]

Member: Mr. Speaker, I would like to speak to the bill.

Speaker: You may proceed.

### Closing Debate

Speaker: Is there any further discussion? Representative \_\_\_\_\_ [sponsor] is recognized to close.

Sponsor: [Closes debate.] . . . I ask for a favorable roll call on this bill.

[Or if debate has continued a considerable time, any member may “move the previous question” to cut off debate. This motion is nondebatable.]

Member: Mr. Speaker, I move the previous question.

Speaker: The gentleman has moved the previous question. The question is: “Shall the main question now be put?”

All those in favor vote aye; all opposed vote no. . . .

## COMMENTARY

### Debate

Matters are placed before the House either by motion of a member, or by being called by the Presiding Officer under a regular order of business, such as “House Bills on Third Reading.”

The sponsor of the bill or resolution is always recognized to present the proposal (or the maker of a motion to state the motion and argue it), and is allotted a maximum of 5 minutes to speak in standard or extended debate, or 10 minutes in unlimited debate. Other members may then speak on the matter, unless it is nondebatable under *Robert’s Rules of Order* or the House Rules. The House Rules allow the following numbers of persons to speak:

Short debate: The principal sponsor and one member in response.

Standard debate: The principal sponsor, two other supporters, and three opponents.

Extended debate: The principal sponsor, four other supporters, and five opponents.

Unlimited debate: Any member who seeks recognition.<sup>10</sup>

Except for the principal sponsor or a designee, no member may speak more than 5 minutes at a time, or more than once on the same question without leave of the House. A member can yield time to another member.<sup>11</sup>

The sponsor has the right to “close debate” for 3 minutes in standard debate, or 5 minutes in extended or unlimited debate.<sup>12</sup>

A member wanting to ask the sponsor a question about the bill must address the Chair and ask whether the sponsor will yield. Members may question the sponsor only if the sponsor yields. However, such questions of sponsors are routine, and it is extremely rare for a sponsor to decline to answer a question. Such refusal, in all but extreme cases, is considered a breach of legislative etiquette. The time consumed by questions and answers comes out of the questioner’s allotted debate time.

### The Debate Timer

The House has an automatic debate timing mechanism consisting of a countdown clock on the voting board. Use of the system is optional with the Presiding Officer, who has the controls at his console. When it is used, the Presiding Officer starts the timer when recognizing the member.

When the clock reaches zero, the Presiding Officer interrupts if necessary and directs the member to finish. The Presiding Officer can also set an automatic cutoff switch, which disconnects the microphone when the time is expired.

### Closing Debate

Any member who thinks debate has gone on long enough can “move the previous question” (the one last put to the body—in this case, whether the bill should pass). This motion itself is nondebatable, and requires 60 votes to pass. If it succeeds, the bill is immediately put to a vote. If a motion for the previous question fails, debate on the bill continues.<sup>13</sup>

## ROUNDING UP VOTES

### Voting Procedure for Roll-Call Votes

Speaker: The question is: “Shall \_\_\_\_\_?” All in favor vote aye; all opposed vote no. Voting is open.

[Voting board is opened by Clerk; the bell rings, and the voting switch on each member’s desk is activated.]

Have all voted who wish? Have all voted who wish? Take the record.

[Votes on the voting board are frozen.]

On this question there are \_\_\_\_ ayes, \_\_\_\_ nos, \_\_\_\_ voting present. This bill, having received (failed to receive) a constitutional majority, is hereby declared passed (lost).

[Announcement of the numerical vote precedes announcement of the result.]

### Verification

Speaker: For what purpose does the gentleman from \_\_\_\_\_ [an opponent of the measure] rise?

Rep. Adams: Mr. Speaker, I request a verification of the affirmative vote.

Speaker: A verification has been requested. The members will please be in their seats. The Clerk will verify the affirmative votes.

[Clerk reads names of all members recorded as “aye.”]

Speaker: Mr. Adams, are there challenges to the aye vote?

Rep. Adams: Mr. \_\_\_\_\_.

Speaker: Mr. \_\_\_\_\_ is in his seat.

Rep. Adams: Ms. \_\_\_\_\_.

Speaker: Ms. \_\_\_\_\_ is not in her seat. Is Representative \_\_\_\_\_ in the chamber? Ms. \_\_\_\_\_ is not in the chamber. Mr. Clerk, take her off the roll call.

Speaker: Mr. \_\_\_\_\_ asks leave to be verified. Is leave granted?

Members: Yes.

Speaker: Are there further challenges? Any further questions of the affirmative? If not, the vote is \_\_\_\_ ayes, \_\_\_\_ nos, and \_\_\_\_ voting present; and this bill, having received a constitutional majority, is hereby declared passed.



## COMMENTARY

### Use of Roll Calls

Roll-call votes (normally using the electronic voting system) are required on final passage of all bills. This includes votes on concurrence with amendments from the Senate, adoption of conference committee reports, and all dispositions of vetoed bills. Resolutions to amend the Constitution and some other substantive resolutions also require roll calls.

Voice votes (in which all members favoring a proposition say “aye” together, and all who oppose it say “no” together) are used for other motions and procedures, unless the Rules require a specific number of votes—usually a “constitutional majority” (60) or a three-fifths majority (71). In those cases, a roll call must be used to prove that enough “aye” votes were cast.

Any five members can require a roll call if none is required by the Constitution or House Rules. This is usually done on hotly disputed issues or as a delaying tactic. The Presiding Officer can also order a roll-call vote.<sup>14</sup>

### Verification

If a measure passes, verification may be demanded to insure the presence of all who were recorded as voting for it. A statute prohibits a member’s switch from being voted by anyone who is not a member of the House.<sup>15</sup> However, members sometimes leave the floor after voting their switches. While verification is taking place, any member can announce his or her presence on the floor and be verified as having voted.<sup>16</sup>

Verification can be requested after both the vote *and* the result are announced—until the Presiding Officer calls the next item before the House.<sup>17</sup>

## **Rounding Up Votes (cont'd)**

### **Postponed Consideration**

- Speaker: On this question there are \_\_\_\_ ayes, \_\_\_\_ nos, \_\_\_\_ voting present, and this bill having failed—The lady from \_\_\_\_\_ [sponsor].
- Member: Mr. Speaker, I request that this bill be placed on Postponed Consideration.
- Speaker: The bill, having received at least 47 affirmative votes, will be placed on Postponed Consideration.

## **INTERRUPTING PROCEEDINGS**

### **Recognition Out of Pending Order**

- Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?
- Member: Mr. Speaker, ladies and gentlemen of the House, I rise to \_\_\_\_\_.

### **Recognition During Debate**

- Speaker: The lady from \_\_\_\_\_ is recognized on House Bill \_\_\_\_\_.
- Member: Mr. Speaker, ladies and gentlemen of the House, I rise in support of (in opposition to). . . .

[A member may seek recognition or interrupt the debate on the floor by rising and addressing the Presiding Officer. The Presiding Officer determines who will speak first. The Presiding Officer inquires for what purpose the member rises so as to determine the precedence of the motions. A member who has the floor may be interrupted for the following purposes:]

### **Point of Personal Privilege**

- Rep. Baker: Mr. Speaker.
- Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?
- Rep. Baker: I rise to a point of personal privilege.
- Speaker: State your point.
- Rep. Baker: I would like to apologize to one of my colleagues for a statement I made in debate . . . . [for example]

## COMMENTARY

### Postponed Consideration

If a bill fails to pass, but gets at least 47 “aye” votes, the principal sponsor can request that consideration be postponed. It is the sponsor’s privilege.<sup>18</sup> The sponsor must make the request before the result is announced, but it can be after the vote and even after verification.<sup>19</sup>

If consideration is postponed, no official roll call is recorded. However, the sponsor may informally ask the Clerk to provide a copy of the discarded roll call sheet, if it is available. The bill goes on the order of Postponed Consideration—from which it may be called only once and cannot again be postponed.<sup>20</sup> During busy session times, the postponed order is not likely to be called soon or during prime time, since priority will normally be given to bills that have not yet had their first votes.

### Obtaining Recognition

Members address the House only when recognized by the Presiding Officer, who is always addressed as Mr. (or Madam) Speaker. The microphones are controlled by the House electrician, who turns them on and off in accordance with the Presiding Officer’s recognition.

To obtain recognition, a member presses the “speak” button on the desk, causing a light to flash on the console at the Speaker’s table. During busy debate, several lights may be flashing simultaneously and a member may decide to rise and signal the Presiding Officer. This is frowned on during debate, unless the member has a legitimate reason for interrupting.

A member interrupting an item of business should always state the purpose of the interruption before actually making the procedural point, objection, or motion. This helps the other members follow the events. It also saves time by permitting an objection to be voiced or permitting the Chair to rule the member in or out of order with a minimum of distraction.

The Rules say that questions “affecting the rights, reputation, and conduct of members of the House in their representative capacity” are matters of personal privilege.<sup>21</sup>

### Returning Bills to Second Reading

Sometimes a bill already on the order of Third Reading requires an amendment. Someone may find an error in it, or the sponsor may need to compromise a point to get additional support. The bill must be returned to Second Reading to be amended.

The House Rules mention two specific kinds of situations in which a bill needs to be returned from Third Reading to Second Reading for an amendment:

- (1) It has its Third Reading after May 31, and contains an effective date earlier than June 1 of the following year, but does not receive the three-fifths vote (71 votes) needed to make that effective date valid.<sup>22</sup>
- (2) It proposes to limit home-rule powers, but lacks the three-fifths vote needed to do so.<sup>23</sup>

In either kind of situation the bill is not declared passed, and the sponsor has a right to have it returned to Second Reading for an amendment deleting the provision that made a three-fifths vote necessary. In practice, leave can be given for bills to be returned to Second Reading for

other kinds of amendments. But such proposed amendments (since they are floor amendments) must have approval from the Rules Committee or another committee.<sup>24</sup>

## **Interrupting Proceedings (cont'd)**

### **Point of Order**

A point of order may be raised at any time by any member and requires an immediate ruling. It is not a motion, and is not debatable.

Member: Mr. Speaker.

Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?

Member: I rise to a point of order.

Speaker: State your point.

Member: There is no fiscal note with this bill, and I object to its consideration until the rule is complied with.

[for example, or]

The amendment is not germane to the bill.

[or]

The amendment has not been distributed.

[The Presiding Officer then rules on the point of order and may state the reason.]

Speaker: The amendment has not been distributed. Take the bill out of the record.

[or] The point is well taken (or not well taken).

### **Appeal Ruling of the Chair**

Any member can appeal a ruling of the Chair on a point of order unless an intervening item of business has already occurred. Such an appeal can be briefly debated (2 minutes by the proponent, 2 minutes by another member in response, and 1 minute by the proponent to close). Such a motion is not taken lightly. Some consider it a personal affront to the Presiding Officer. It is used occasionally to highlight frustration at being in a minority position, or to make a point to the news media. Overruling the Chair requires 71 votes.<sup>25</sup>

Member: Mr. Speaker, I appeal the ruling of the Chair. [Explains.]

Speaker: The question is, "Shall the ruling of the Chair be sustained?" All those in favor will signify by voting aye; those opposed vote no. . . .

[Announces result.]

## **Interrupting Proceedings (cont'd)**

### **Parliamentary Inquiry**

A member who wants information about the issue before the House can seek the floor for a parliamentary inquiry. It is not a motion, but only a request for information, so is not debatable or amendable.

Member: Mr. Speaker.

Speaker: For what purpose does the lady from \_\_\_\_\_ rise?

Member: I rise on a point of parliamentary inquiry.

[or]

I rise on a point of information.

Speaker: State your point.

Member: Mr. Speaker, I would like to be advised by the Chair what the required vote is on the question.

[or]

Mr. Speaker, does the amendment offered conflict with the amendment just adopted?

[or]

Mr. Speaker, is the amendment in order?

### **Motion for Previous Question**

This motion, to end debate, is not debatable and requires 60 votes to pass.<sup>26</sup>

Member: Mr. Speaker.

Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?

Member: I move the previous question.

Speaker: The question is, "Shall the main question be put?" All those in favor vote aye; all opposed vote no. . . . The previous question prevails. [Proceeds to hold vote on the main question.]

[or]

The motion is lost. Is there further discussion?

## FREQUENT MOTIONS

Motions (except to adjourn, recess, or postpone consideration) must be made in writing if the Presiding Officer so chooses. The Presiding Officer may refer a motion to the Rules Committee.<sup>27</sup>

### Table a Bill

Member: Mr. Speaker, I move to table House Bill 6002. [The sponsor of a bill, with leave of the House, can move to table it at any time.]

Speaker: The gentleman moves to table House Bill 6002. Is leave granted?

Members: [Indicate assent.]

### Suspend a Rule

A motion or request to suspend a rule must specify the rule sought to be suspended. The movant should state the reason for seeking suspension. A rule can be suspended with the unanimous consent of members present, or on a motion supported by 60 votes—unless the rule to be suspended requires a higher number.<sup>28</sup>

Member: Mr. Speaker, I move to suspend Rule 67 for the purpose of \_\_\_\_\_.

Speaker: The lady has moved to suspend Rule 67 for the purpose of \_\_\_\_\_.

Are there any objections?

[If there are objections, the motion must be put to a vote.<sup>29</sup>]

Speaker: The lady has moved the suspension of Rule 67. This requires 71 votes. Those in favor please signify by voting aye; those opposed vote no. [States result]

### Discharge a Standing or Special Committee

This motion must be in writing, and must be on the calendar for one legislative day. It needs 60 votes to pass.<sup>30</sup>

### **Frequent Motions (cont'd)**

Member: Mr. Speaker, I move that the \_\_\_\_\_ Committee be discharged from further consideration of House Bill 3002 and that the bill be placed on the calendar on the order of Second Reading. [The maker of the motion may state support from the committee chairman and minority spokesman. The chairman and spokesman will be recognized for their positions on the motion.]

Speaker: The question is whether the \_\_\_\_\_ Committee be discharged from further consideration of House Bill 3002. Those in favor signify by voting aye; opposed vote no. [States result.]

#### **Take From Table and Put on Calendar**

This motion requires 60 votes if the Rules Committee has recommended that the bill be taken from the table; otherwise it requires 71 votes.<sup>31</sup>

Member: Mr. Speaker, I move to take House Bill 3579 from the table and place it on the calendar on the order of Second (or Third) Reading.

Speaker: The gentleman has moved that House Bill 3579 be taken from the table and placed on the calendar on the order of Second (Third) Reading. The question is on the motion. Those in favor signify by voting aye; opposed vote no. The ayes are \_\_\_\_\_, the nos are \_\_\_\_\_. The motion is carried (or lost).

#### **Reconsider a Vote**

Speaker: For what purpose does the gentleman from \_\_\_\_\_ rise?

Member: Mr. Speaker, having voted on the prevailing side, I move that the vote by which the amendment (or bill) was adopted (or passed) be reconsidered.

Speaker: The question is on the motion to reconsider. Those in favor signify by saying aye; those opposed vote no. The motion prevails (or fails).

#### **Technique to *Prevent* a Vote From Being Considered Again**

Member: Mr. Speaker, having voted on the prevailing side, I now move that the vote by which the amendment to House Bill 2501 was adopted be reconsidered.

Other Member: [After recognition by the Speaker.] I move that the motion lie upon the table.

Speaker: The gentleman from \_\_\_\_\_ moves that the vote by which the amendment to House Bill 2501 was adopted be reconsidered. The lady from \_\_\_\_\_ moves that the motion lie upon the table. The question is on the motion to table. Those in favor signify by saying aye; those opposed vote no. [States result.]

[This technique prevents a vote from being considered again, because no more motions to reconsider can be entertained if a first one has been tabled.<sup>32</sup>]



## JOINT ACTION BETWEEN THE HOUSES

### Senate Bills

Senate bills arriving in the House are read a first time and referred to the Rules Committee, like House bills.<sup>33</sup> Their Senate sponsors must find sponsors for them in the House, just as House sponsors must in the Senate.

Procedures on Second and Third Reading are the same as for House bills. But the deadlines in the spring legislative session allow Senate bills to be heard in the House later than House bills, since House bills need to be passed and sent to the Senate in time to be considered there.

### House Bills Amended in the Senate

If a bill passes the House but is amended in the Senate, after it returns to the House its House sponsor can move to concur or non-concur in each Senate amendment. Each motion to concur will be referred to the House Rules Committee or another committee.<sup>34</sup> If that committee refers the bill to the full House, it is put on the order of Concurrence.

Speaker: On the order of Concurrence. House Bill 901. Read the bill, Mr. Clerk.

Clerk: House Bill 901. The motion to concur in Senate Amendments 1 and 2 has been filed by Representative\_\_\_\_\_ and has been approved for consideration.

Speaker: The chair recognizes Representative\_\_\_\_\_ [House sponsor].

Sponsor: Mr. Speaker, I move that the House concur (or refuse to concur) in Senate Amendments No. 1 and 2 to House Bill 901.

### Conference Reports

If the House refuses to concur with one or more Senate amendments, the House will ask the Senate to recede from them. If the Senate refuses, the sponsor of the bill can ask for appointment of a conference committee. Each conference committee has five members from each house—three of the majority and two of the minority party. Conference Committee reports are automatically sent to the Rules Committee, which may refer them to substantive committees.<sup>35</sup>

Speaker: On the order of Conference Committee Reports. The Conference Committee Report on House Bill 601. Read the bill, Mr. Clerk.

Clerk: House Bill 601. The motion to adopt the Conference Committee Report has been filed by Representative \_\_\_\_\_ and has been approved for consideration.

Speaker: The chair recognizes Representative \_\_\_\_\_ [House sponsor].

Member: Mr. Speaker, I move that the House adopt (or refuse to adopt) the Conference Committee Report on House Bill 601.

[If the conference committee report is not adopted, a second conference committee can be appointed and the process followed a second time. If a second conference committee is unsuccessful, the bill is dead.<sup>36]</sup>

## RESOLUTIONS

### Constitutional Amendment

Constitutional amendment resolutions require action by both houses, but do not go to the Governor. Procedurally they are handled much like bills, with First Reading, committee hearing, Second Reading, and passage or failure on Third Reading.<sup>37</sup>

This category includes the following actions, all done by joint resolution:

- Proposed amendments to the Illinois Constitution.
- Calls for an Illinois constitutional convention.
- Ratification of amendments to the U.S. Constitution proposed by Congress.
- Petitions to Congress to call a U.S. constitutional convention.

### General

Other kinds of resolutions address housekeeping matters such as setting the time for the next week's session (the adjournment resolution); creating special committees or task forces; urging Congress to do or not to do something; requesting investigations or audits; or expressing legislative opinions on public issues. Except for adjournment resolutions, these normally go to committees for hearings.

Resolutions usually require only a simple majority vote. But the Rules require 60 votes to pass any resolution that would require spending state funds,<sup>38</sup> and 71 votes to pass a resolution related to amending the U.S. Constitution.<sup>39</sup> In addition, the Illinois Constitution requires the vote of three-fifths of members elected (71) to propose to the voters an amendment to the Illinois Constitution.<sup>40</sup> Roll calls are required in all these cases.

Speaker: The gentleman from \_\_\_\_\_ is recognized in regard to House Resolution 372.

Sponsor: I move to suspend Rule 16 for the immediate consideration of House Resolution 372. The subject of the resolution is . . . .

Speaker: The question is on the suspension of Rule 16 for immediate consideration of House Resolution 372. Those in favor vote aye; those opposed vote no.

[Unless that rule is suspended, the resolution is sent to the Rules Committee, which may in turn refer it to a committee or back to the full House. If the rule is suspended, the following dialog may occur.]

**Member:** I move the adoption of House Resolution 372. [Proceeds to explain resolution.]

**Speaker:** The gentleman offers and moves the adoption of House Resolution 372. The question is on the motion. Those in favor signify by saying aye; opposed vote no. The resolution is adopted (or lost).

### **Congratulatory**

Any member can file a congratulatory resolution, but must pay a fee to the Clerk for the cost of producing it. These resolutions are generally adopted in groups, and are identified in the Journal only by number, sponsorship, and subject.<sup>41</sup>

### **Death**

Death resolutions for former members of the House, and former statewide officers,<sup>42</sup> are traditionally taken up as the last item of business of the day. The members rise, the death resolution is read in full by the Clerk, and the House adjourns after adopting the resolution.

- Notes**
1. House Rules 4(c)(3) and (20), and 31 (introductory clause), 93rd General Assembly.
  2. House Rules 18(a) and 37(d), 93rd General Assembly.
  3. See House Rule 18(b), 93rd General Assembly.
  4. House Rule 40(b), 93rd General Assembly.
  5. House Rule 40(g), 93rd General Assembly.
  6. House Rule 60(e), 93rd General Assembly.
  7. House Rules 18(e) and 40(e), 93rd General Assembly.
  8. House Rule 52(a)(5), 93rd General Assembly.
  9. House Rule 40(b), 93rd General Assembly.
  10. House Rule 52(a)(1) to (4), 93rd General Assembly.
  11. House Rule 52(e), 93rd General Assembly.
  12. House Rule 52(a)(2) to (4), 93rd General Assembly.
  13. House Rule 59, 93rd General Assembly.
  14. House Rule 49, 93rd General Assembly.
  15. 25 ILCS 20/1.
  16. House Rule 56(c), 93rd General Assembly.
  17. House Rule 56(a), 93rd General Assembly.
  18. House Rule 62, 93rd General Assembly.
  19. House Rule 50, 93rd General Assembly.
  20. House Rule 62, 93rd General Assembly.
  21. House Rule 51(b), 93rd General Assembly.
  22. House Rule 69(b), 93rd General Assembly.
  23. House Rule 70, 93rd General Assembly.
  24. See House Rules 40(e); 69(b) (last sentence); and 70 (last sentence), 93rd General Assembly.
  25. House Rule 57(a), 93rd General Assembly.
  26. House Rule 59(a), 93rd General Assembly.
  27. House Rule 54(a)(1), 93rd General Assembly.
  28. House Rule 67(e), 93rd General Assembly.

29. House Rule 67(e), 93rd General Assembly.
30. House Rule 58, 93rd General Assembly.
31. House Rule 61(a), 93rd General Assembly.
32. House Rule 65(c), 93rd General Assembly.
33. House Rules 18(a) and (b), and 37(d), 93rd General Assembly.
34. House Rules 72(a) and 75(a), 93rd General Assembly.
35. House Rules 73 and 18(e), 93rd General Assembly.
36. House Rule 76(c), 93rd General Assembly.
37. See House Rules 16(a), 46, and 47, 93rd General Assembly.
38. House Rule 45(b), 93rd General Assembly.
39. House Rule 47, 93rd General Assembly.
40. Ill. Const., art. 14, subsec. 2(a).
41. House Rule 16(b), 93rd General Assembly.
42. See House Rule 16(c), 93rd General Assembly.

## CHAPTER 7

### CONTENTS      TAXES, CAMPAIGN FINANCE, AND ETHICS LAWS

<b>Income Tax Status of Legislators' Expenses</b> .....	1
Food and Lodging .....	1
Transportation .....	2
Proving Nonreimbursed Expenditures .....	3
Illinois Income Tax .....	3
Note on Return Preparation.....	3
 <b>Campaign Finance Reports</b> .....	3
 <b>Ethics, Conflicts of Interest, and Worse</b> .....	4
Economic Interest Statements .....	4
State Officials and Employees Ethics Act .....	6
<i>Ethical conduct</i> .....	6
<i>Gift ban</i> .....	8
<i>Ethics Commission and Inspector General</i> .....	10
<i>Other parts of the Act</i> .....	11
Interest in Public Contracts .....	11
<i>Office-allowance nepotism</i> .....	11
<i>Public Officer Prohibited Activities Act</i> .....	11
<i>Illinois Procurement Code</i> .....	11
Misuse of Office and Bribery.....	13
Misuse of Public Funds .....	14
Prohibitions Involving Specific Kinds of Entities .....	15
Other Ethical Principles .....	16
Fair Campaign Practices Act.....	16
Disqualification for Crime .....	16
Loss of Pension Due to Crime .....	17
Dual Officeholding .....	17



## TAXES, CAMPAIGN FINANCE, AND ETHICS LAWS

Numerous legal provisions affect legislators personally, both during their service and for some time afterward. This chapter addresses three major kinds of laws of which legislators need to be aware. For advice on the application of these provisions, legislators may want to contact their caucus legal staffs, or experienced private tax preparers or legal counsel as is appropriate.

### Income Tax Status of Legislators' Expenses

**Food and Lodging** As described in chapter 1, the state reimburses legislators for the cost of one round trip, if actually taken, between their homes and Springfield each week the General Assembly is in session, and makes a flat per diem payment (now \$102)<sup>1</sup> to cover lodging, food, and other expenses for each day the General Assembly is in session. For most legislators, neither of these amounts paid by the state is taxable. A provision in the Internal Revenue Code applying specifically to state legislators who live over 50 miles from their capitol building allows them to elect (choose) to treat their residences in their districts as their tax homes.<sup>2</sup> Legislators who make that election (on a form supplied to legislators by the Comptroller) will not have their \$102 per diems reported to the IRS on Forms W-2 after the tax year, and need not pay federal income tax on those per diems. (Legislators who live within 50 miles of the State House have the option of declining to accept the per diems, thus avoiding having to deal with the money for tax purposes. The Comptroller's legal counsel can offer guidance on whether to do this.)

Furthermore, the Internal Revenue Code counts as a legislative day for these purposes not only days when the General Assembly is in session, but also any day when the legislator's presence is recorded at a committee meeting—*plus* any day that is part of a legislative recess of 4 or fewer days.<sup>3</sup> Thus when the General Assembly is meeting on Tuesday through Thursday of each week (as it typically does in the early months of a session), even though the state does not pay per diems for the other four days, a legislator residing over 50 miles from the State House can deduct for federal tax purposes \$102 for each of the other 4 days per week.

(A note for tax time: IRS Form 2106, Employee Business Expenses, is used to claim the \$102 deduction for days when the General Assembly was out of session no more than 4 days at a time. The completed Form 2106 should show per diems actually reimbursed by the state, and the \$102 deductions that were not reimbursed. But the amounts that were reimbursed, for days attending floor sessions or committee meetings, are then subtracted out on Form 2106 before arriving at the result—which goes onto Schedule A as a miscellaneous itemized deduction, subject to the threshold of 2% of Adjusted Gross Income.)

A legislator who spends *more* than the \$102 state per diem on lodging, food, and other personal expenses in Springfield faces a rather complex limit on deducting the excess. The latest authority on this seems to be a 1987 IRS interpretation of changes made by the Tax Reform Act of 1986 (which set limits on deductions for meals, entertainment, and similar expenses). That interpretation said that if a person seeks to deduct more for daily living costs away from home than the amount reimbursed by the person's employer, the excess must be allocated for tax purposes between two categories: (1) meals and expenses such as entertainment, and (2) lodging and similar costs. The allocation must be in the same ratio as the ratio between the amounts the federal government allows its employees for meals and for lodging in that city (about 30% for meals and 70% for lodging for Springfield). The significance of that allocation is this:

- ◆ Of the part of the excess over the \$102 state reimbursement that went for *meals and similar expenses*, half is nondeductible. The other half—plus all of the amount allocated for *lodging*—is deductible by itemizers as a “miscellaneous deduction” (to the extent the sum of all miscellaneous deductions exceeds 2% of adjusted gross income (AGI)).<sup>4</sup>

Example: A legislator gets \$102 in state reimbursement for a day of legislative business in Springfield, but actually has \$112 of ordinary and necessary legislative expenses that day. The \$102 reimbursed by the state is excluded from gross income, and so not taxable. But the remaining \$10 must be allocated like this:

30% for meals and entertainment = \$3

70% for lodging and other travel-related expenses = \$7

Half of the \$3 for meals cannot be deducted. The other half, along with the \$7 for lodging and other expenses, counts as “miscellaneous” deductions. The total of those deductions (to the extent it exceeds 2% of AGI) is allowed as a deduction from federal taxable income.

**Transportation** For the cost of transportation on legislative business (such as trips between the district and Springfield) in a vehicle that the legislator either owns or leases, the Internal Revenue Service allows either of the following to be deducted:

- (a) a flat rate per mile (37.5¢<sup>5</sup>) for all transportation on legislative business,
- or
- (b) the share of the actual cost of operating one or more vehicles that is attributable to the miles driven on legislative business.<sup>6</sup>



Under choice (b), if a legislator drives 20,000 miles in a year, of which 8,000 are on legislative business,  $\frac{2}{5}$  of the cost of operating a car that year (such as fuel, repairs, and depreciation) is deductible. If the legislator instead uses public transportation such as airlines, the fares are deductible. No spending for political, as distinguished from legislative, purposes can be deducted.

Proving  
Nonreimbursed  
Expenditures

Treasury regulations require that to deduct additional expenditures *beyond* the automatically deductible amounts—such as travel on legislative business that is not reimbursed by the per diem and mileage allowances for attending the General Assembly—these five elements must be recorded:

- (1) Amount (which may be totaled within reasonable categories for each day, such as meals, gasoline, and taxi fares);
- (2) Time of departure and return, and number of days spent on state business;
- (3) Place (name of city visited);
- (4) The business (legislative) purpose for the travel; and
- (5) Business relationship with persons visited or entertained.

The records must include (a) an account book or the like containing information on expenditures recorded at or shortly after the time of each expenditure; and (b) documentary evidence such as receipts and paid bills for lodging away from home, and for any other expenditures of at least \$25 (except transportation charges for which the carrier provides no receipt or other documentary evidence).<sup>7</sup> Again, these *nonreimbursed* expenses may be deducted only to the extent they and other “miscellaneous” itemized deductions exceed 2% of adjusted gross income.<sup>8</sup>

Illinois  
Income Tax

The amount of tax imposed under the Illinois Income Tax Act is determined from the taxpayer’s “net income,” which is the same (except for adjustments not relevant here) as the taxpayer’s federal adjusted gross income.<sup>9</sup> Since *reimbursed* legislative expenses are not part of federal adjusted gross income, and thus should not appear on legislators’ Forms W-2, those amounts must not be deducted from income on state income tax returns. Amounts spent above the \$102 daily state reimbursement also are *not* deductible from Illinois taxable income.

Note  
on Return  
Preparation

**As the discussion above demonstrates, legislators are subject to complex rules and face important decisions when reporting and paying taxes on income. Veteran legislators strongly recommend that new members seek experienced preparers for their tax returns, rather than preparing the returns themselves.**

## Campaign Finance Reports

The Election Code requires every “state political committee” to file reports with the State Board of Elections on the campaign contributions it receives and the expenditures it makes for legislative offices. The law defines a “state political committee” as a candidate or any other individual, or an organization

or group of persons, that within a 12-month period collects or spends over \$3,000:

- (a) on behalf of or against any candidate or candidates for public office who are required to file statements of economic interests under the Illinois Governmental Ethics Act;
- (b) to promote or oppose a public-policy question submitted to the voters of more than one county;
- (c) and is a nonprofit public-policy organization that endorses or opposes any candidate(s) who are required to file statements of economic interests; or
- (d) for “electioneering communications” (defined basically as advertising within the last 30 days before a primary, or the last 60 days before a general election, that mentions an identified political party, or a candidate or proposition to be on the ballot at that election).<sup>10</sup>

Such “political committees” (including candidates who accept contributions or spend over \$3,000 within 12 months) must keep a record of the name and address of each person who makes a campaign contribution over \$20 to, or receives over \$20 from them, including the amount and date.<sup>11</sup> They must also report to the State Board of Elections semiannual totals of campaign receipts and expenditures; the name and address of any person whose total contributions exceed \$150; and the name, address, occupation, and employer of any person whose total contributions exceed \$500 during the period.<sup>12</sup>

Violation of these or other requirements for reporting campaign funding is punishable by a fine up to \$5,000. The Attorney General or a state’s attorney can prosecute alleged violations.<sup>13</sup>

## **Ethics, Conflicts of Interest, and Worse**

Legislators and candidates for legislative office in Illinois are subject to many legal provisions designed to protect the integrity of legislative service. These include annual filing of statements of economic interests; prohibitions on using state workers’ time or other public resources for political purposes; restrictions on receipt of gifts by legislators and their families; restrictions on interests in public contracts and dual officeholding; prohibitions on misuse of official powers and bribery; and other ethical principles that are not legally enforceable but have been enacted as guides to behavior. Penalties for violation of the legally enforceable requirements range from fines to prison terms, loss of office, and pension disqualification. The length of disqualification from office for serious crimes is not entirely clear due to conflicting provisions.

### **Economic Interest Statements**

The Illinois Constitution<sup>14</sup> and Illinois Governmental Ethics Act<sup>15</sup> require candidates for and holders of state office to file statements listing their economic interests. The Secretary of State is required to send notices to all such candidates and officers at least 30 days before the filing deadline of May 1. Each notice includes a form for the statement.

The form requires the following information about economic interests of the legislator (and of the legislator's spouse and any other person, if constructively controlled by the legislator):

(a) Any professional organization or individual professional practice in which the legislator was an officer, partner, or proprietor and from which the legislator got over \$1,200 in the last calendar year.

(b) Any firm doing business in Illinois in which the legislator's ownership interest exceeds \$5,000 or from which the legislator got over \$1,200 in dividends in the last calendar year. The law specifically excludes any "time or demand deposit in a financial institution" and any "debt instrument." But the disclosure requirement literally would include an account in a money-market mutual fund, or other mutual fund, that is based in Illinois.

(c) Any entity doing business in Illinois (except a professional service entity) that paid the legislator over \$1,200 in the past year; and any position the legislator held in that entity.

(d) Any entity from which the legislator received one or more gifts or honoraria, with value totaling over \$500, in the last calendar year.

(e) Any other unit of government for which the legislator worked during the last calendar year. The statute uses the word "employed" but probably would be construed to cover service as an officer.

(f) The nature of any professional services, other than to the state, for which the legislator received over \$5,000 in fees in the last calendar year.

(g) Any capital asset, including real estate, from which the legislator realized a capital gain of at least \$5,000 in the last calendar year. (A gain normally is "realized" at the time property is sold.)

(h) The name of any compensated lobbyist who is a partner or business associate of the legislator, and the kind of lobbying the lobbyist does.<sup>16</sup>

The economic interests statement is not to include campaign receipts. Penalties for failure to file become progressively steeper, culminating in forfeiture of office for failure to file by May 31. But forfeiture of office is not to occur if the legislator did not file due to lack of notification by the Secretary of State of the need to file and the legislator files a statement within 30 days after getting notice.<sup>17</sup> The Secretary of State is required to make the statements of state officers and employees available on his Web site.<sup>18</sup>

State Officials and  
Employees Ethics  
Act

This act, enacted late in 2003,<sup>19</sup> imposes many requirements on state officers and employees to protect ethics in government. It applies generally to officers and employees in the executive and legislative branches of the state. The following summarizes the Act as it affects state legislators. Legislators with concerns about the application of the Act to them are urged to examine the Act and/or seek advice from their caucus legal staffs or other reliable sources. The Act can be viewed and printed by opening the General Assembly's Web site at

<http://www.legis.state.il.us>

and clicking on each of the following hyperlinks when the page containing it appears:

[Illinois Compiled Statutes](#)

[CHAPTER 5 GENERAL PROVISIONS](#)

[5 ILCS 430/ State Officials and Employees Ethics Act](#)

The Act has three articles with major effects on state legislators, each containing numerous provisions. The first, Article 5 ("Ethical Conduct") has several kinds of requirements significantly affecting state legislators: (1) ethics training for all legislators and their staffs; (2) personnel policies for the staffs; (3) ban on requiring employees to engage in political activities; (4) restrictions on "public service announcements" identifying state officers; (5) ban on offering anything in return for contributions; (6) ban on receiving contributions on state property, and restriction on fundraising in Sangamon County; and (7) restrictions on employment with state contractors after state service.

The second article important to state legislators is Article 10, "Gift Ban," with detailed provisions on what kinds of gifts state legislators and their families can accept. The third is Article 25, "Legislative Ethics Commission and Legislative Inspector General." Article 50 lists penalties for violations, which are described below when discussing the prohibitions to which they apply.

*Ethical conduct*

Article 5 of the Act contains a variety of requirements and prohibitions. The following is a brief outline of them.

Ethics training. All legislators and their employees must receive ethics training at least annually. This requirement is to be implemented by the four legislative leaders for their caucuses, and overseen by the Legislative Ethics Commission and Inspector General<sup>20</sup> (discussed later). Violation is punishable by a fine of \$1,001 to \$5,000.<sup>21</sup>

Hours worked. All employees of the legislative branch (but not legislators themselves) must be covered by personnel policies adopted by the leaders of the caucuses for which they work. These policies must require that employees report when they began and ended their work for the state each day, rounded to the nearest quarter-hour.<sup>22</sup>

Similar requirements apply to legislators' own employees, who typically work in district offices. Each legislator must adopt policies for employees requiring

them to report their beginning and ending hours of work to the nearest quarter-hour. A legislator may fulfill this requirement by adopting the policies issued by the leader of that legislator's caucus.<sup>23</sup>

Political activities. State employees may not be required to perform, nor may they voluntarily perform, any "prohibited political activity" while being paid to work for the state (excluding vacation, personal, and other time off.)<sup>24</sup> The Act lists 15 kinds of activities to which this prohibition applies.<sup>25</sup> Violation is a Class A misdemeanor,<sup>26</sup> punishable by up to 364 days in jail and/or a fine up to \$2,500.<sup>27</sup>

Public service announcements. Advertisements or announcements promoting state programs may not contain the name, image, or voice of a state legislator. Items such as billboards, stickers, and magnets that are made or distributed using public funds may not show the name or image of a state legislator, except items that further the legislator's "official State duties or governmental and public service functions . . . ." <sup>28</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>29</sup>

Promises for contributions. No legislator, legislative employee, or candidate for legislative office may promise anything of value related to state government, such as a state job or promotion, in return for a contribution to a political committee, party, or other entity that financially promotes a political candidate.<sup>30</sup> Violation is a Class A misdemeanor.<sup>31</sup>

Contributions on state property. With minor exceptions, legislators, legislative employees, candidates for legislative office, lobbyists, and personnel of political organizations may not intentionally solicit, receive, offer, or make political contributions on state property. The exceptions apply to (a) property owned by the state but leased to a private lessee, and (b) residences of state officers or employees—except that fundraising events are prohibited at those residences.<sup>32</sup> Violation is punishable by a fine of \$1,001 to \$5,000.<sup>33</sup>

Fundraisers in Sangamon County. Most legislators and candidates for legislative office, along with their political caucuses or committees, are prohibited from holding fundraising events in Sangamon County on any regular session day from February 1 until both houses have adjourned the spring session; or during a fall veto session. This prohibition does not apply to perfunctory sessions. It also does not apply, during the part of any spring session after May 31, to legislators and candidates in a district that is entirely within Sangamon County.<sup>34</sup> Violation is a Class A misdemeanor.<sup>35</sup>

Employment after public service. For 1 year after ending state service, no former legislator, or spouse or member of the immediate family living with the former legislator, may knowingly accept employment or compensation for services to any entity if the legislator, during the last year of state service, had participated "personally and substantially" in a decision to award one or more state contracts worth a total of over \$25,000 to that entity. This restriction can be waived in writing by the Legislative Ethics Commission on a showing that the possibility of employment with the private entity did not affect the contracting decision.<sup>36</sup> Violation is a Class A misdemeanor.<sup>37</sup>

*Gift ban* Article 10 of the Act imposes detailed restrictions on the receipt of gifts by legislators (along with other state officers and employees), or by the spouses and immediate family members of those persons who live with them. These restrictions are not aimed at outright bribery (which is addressed by an act described later), but at the appearance of impropriety that could result from the making of a gift hoping to affect state actions. Violating any part of Article 10 is punishable by a fine of \$1,001 to \$5,000.<sup>38</sup>

The method that the Act uses to avoid improper gifts is to (1) ban every gift from a “prohibited source” (as defined in the Act) to a legislator or state employee, or to an immediate family member of a legislator or state employee, but (2) allow exceptions for gifts that have a low probability of impropriety. Thus whenever a legislator or employee in the legislative branch (or a spouse or family member living with such a person) receives *any* gift from an entity that *may* be a “prohibited source,” it is necessary to consult the definition and exceptions to determine whether it can be kept. If a gift violates the Act, the recipient can avoid liability by “promptly” doing one of the following:

- (1) Returning it to the giver.
- (2) Donating it to an “appropriate” charity that is exempt from taxation under subsection 501(c)(3) of the Internal Revenue Code.
- (3) Keeping it but donating an amount equal to its value to such a charity.<sup>39</sup>

Of course, such actions should be documented to avoid possible legal problems. If the recipient chooses method (2) or (3), the Act does not address the propriety of deducting the donation from income for federal tax purposes.

The Act defines “prohibited source” broadly. The definition is quoted in full below, but with parts that are important to legislators (“members”<sup>40</sup>) bold-faced for easier comprehension. Item (4) should be especially noted.

**“Prohibited source” means any person or entity who:**

**(1) is seeking official action (i) by the member** or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

**(2) does business or seeks to do business (i) with the member** or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

**(3) conducts activities regulated (i) by the member** or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

**(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee; or**

**(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act,** except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.<sup>41</sup>

The Act defines “gift” broadly to include any good, service, or other tangible or intangible thing of value—even a loan.<sup>42</sup> Any such “gift” from a “prohibited source” to a legislator or employee of the legislative branch, or spouse or family member living with such a person, is *presumptively* a violation of the Act.<sup>43</sup> But the Act has 12 exceptions for kinds of gifts that are believed to have a low probability of involving impropriety. Those exceptions are summarized below. In the event of uncertainty about any of them, the actual list of exceptions<sup>44</sup> should be consulted.

The allowable exceptions apply to the following kinds of gifts:

- (1) Anything that was offered on the same terms to the general public.
- (2) Anything for which the recipient paid market value.
- (3) Lawful political contributions, and help with fundraisers for a political organization or candidate.
- (4) “Educational materials and missions” (which may be further defined by the Legislative Ethics Commission, discussed later).
- (5) Travel expenses for meetings to discuss state business (which also can be further defined by Commission rule).
- (6) Gifts from persons related to the recipient by kinds of kinship listed in the Act, or who are close relatives of the recipient’s fiancé or fiancée.
- (7) A gift provided by an individual person based on personal friendship—unless the recipient has reason to believe that it was really given because of the recipient’s official position. The Act lists three considerations that recipients should take into account (among others) in determining whether this exception applies to a gift.
- (8) Food or refreshments worth up to \$75 per recipient in any calendar day, if they (1) were consumed where they were bought or prepared, or (2) were catered. (Thus this exception apparently applies to all food and drink that was consumed, or prepared for consumption, at an event rather than being kept for future use.)
- (9) Benefits (including transportation, lodging, and food) that were provided because of the recipient’s outside business or employment activities (or other activities not related to legislative duties), if they are customarily provided to persons in such circumstances.
- (10) Gifts from another person within “any governmental entity,” including the General Assembly, any other Illinois state agency, and the federal government.<sup>45</sup>

- (11) Inheritances and other transfers at death.
- (12) Items from any one “prohibited source” if their total value during a year is under \$100.<sup>46</sup>

Article 10 adds that any state agency (which includes the House, Senate, and other legislative entities<sup>47</sup>) can set more restrictive rules on receipt of gifts.<sup>48</sup>

*Ethics  
Commission and  
Inspector General*

Article 25 of the Act calls for appointment of a Legislative Ethics Commission with eight members—two appointed by each of the four legislative leaders. The Commission can include state legislators, but not other state officers or employees.<sup>49</sup> It will make recommendations for a Legislative Inspector General, who must be appointed through passage of a joint resolution by at least three-fifths of the members elected to each house.<sup>50</sup> The Commission’s other major duties include issuing rules on investigations by the Legislative Inspector General; hearing matters brought before it in pleadings filed by the Inspector General; issuing subpoenas on matters before it; and making rulings and imposing administrative fines under the Act.<sup>51</sup>

The Legislative Inspector General’s duties include investigating allegations of violations of the Act (which may not be made anonymously); issuing subpoenas and hearing testimony from witnesses; and (through the Attorney General’s office) filing pleadings with the Legislative Ethics Commission if the Attorney General finds that reasonable cause exists to think a violation has occurred.<sup>52</sup> The Legislative Ethics Commission can appoint a Special Legislative Inspector General if the regular Legislative Inspector General takes longer than six months to complete an investigation without sufficient reason, or if the Legislative Inspector General’s office itself is under investigation.<sup>53</sup>

Each of the four legislative leaders is to appoint an ethics officer. These officers’ duties include (1) reviewing statements of economic interests filed by legislators and employees in the appointing officer’s caucus, and (2) providing guidance to legislators and employees for interpreting the Act. The Act says that legislators and employees can rely on that guidance if they do so in good faith.<sup>54</sup>

The identity of a person providing information or reporting possible misconduct to the Legislative Ethics Commission or Legislative Inspector General is to be kept confidential except to the extent that person consents to disclosure or disclosure is required by law.<sup>55</sup> Also, an amendment to the Open Meetings Act exempts all ethics commissions acting under the State Employees and Officials Ethics Act from the Open Meetings Act.<sup>56</sup> Documents obtained or created by the Commission regarding allegations are exempt from disclosure under the Freedom of Information Act, unless the Commission finds that a violation has occurred. In that case, the documents can be disclosed after material that is not exempt from disclosure has been deleted.<sup>57</sup>

Other provisions in Article 25 describe procedures to be followed during ethics investigations,<sup>58</sup> and quarterly reports by the Legislative Inspector General and Attorney General.<sup>59</sup>



*Other parts of the Act* Other articles of the Act address protection of whistleblowers;<sup>60</sup> appointing an Inspector General for personnel under the Auditor General;<sup>61</sup> application of the Act to the executive branch;<sup>62</sup> and its application to local governments and school districts.<sup>63</sup> The Act also made numerous changes in other Illinois laws on ethics in government,<sup>64</sup> which are reflected in the discussion below.

*Interest in Public Contracts* Three separate laws deal with interests of legislators and their families in public contracts.

*Office-allowance nepotism* The most specific of the three prohibits use of the so-called “district office allowance” (currently \$63,317 per year for a representative and \$75,774 for a senator) to pay anything to the legislator’s “spouse, parent, grandparent, child, grandchild, aunt, uncle, niece, nephew, brother, sister, first cousin, brother-in-law, sister-in-law, mother-in-law, father-in-law, son-in-law, or daughter-in-law.”<sup>65</sup> That law lists no penalty. However, the Criminal Code section on official misconduct says that any public officer who, in an official capacity, performs an act knowing it is forbidden by law commits a Class 3 felony (punishable by 2-5 years in prison and/or a fine up to \$25,000<sup>66</sup>) and also forfeits office.<sup>67</sup>

*Public Officer Prohibited Activities Act* This Act prohibits any public officer from being “in any manner financially interested directly in his own name or indirectly in the name of any other person, association, trust or corporation, in any contract or the performance of any work in the making or letting of which such officer may be called upon to act or vote.”<sup>68</sup> This prohibition does not apply to persons serving only on advisory panels and commissions.<sup>69</sup> In some situations the Act permits a member of a governing body, or a company in which the member has an interest, to contract with the unit of government in which the member serves, if the member discloses the interest and abstains from voting on the contract.<sup>70</sup>

Both the general wording of this Act and the cases reported under it suggest that it is aimed primarily at officers having direct control over contracts—such as those in the state’s executive branch, and some local officers. But it could occasionally apply to legislators if the General Assembly votes on an appropriation that would directly benefit a particular business. Violation is a Class 4 felony (1-3 years and/or up to \$25,000) and also results in forfeiture of the office.<sup>71</sup> Falsely swearing to or affirming any information required by the Act is perjury, a Class 3 felony (2-5 years and/or up to \$25,000); inducing anyone to make such a false statement is a Class 4 felony.<sup>72</sup>

*Illinois Procurement Code* This comprehensive code,<sup>73</sup> enacted in 1998, governs purchases by agencies under the Governor and to a lesser extent the state’s five other elected executive officers.<sup>74</sup> Its “Procurement Ethics and Disclosure” article<sup>75</sup> also has prohibitions that affect legislators in some instances. The most important says in relevant part (subject to exceptions described later):

(a) Prohibition. It is unlawful for any person . . . holding a seat in the General Assembly . . . or who is the spouse or minor child of any such person to have or acquire any contract, or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly . . . or in any contract of

the Capital Development Board or the Illinois Toll Highway Authority.

(b) Interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) is entitled to receive (i) more than  $7\frac{1}{2}\%$  of the total distributable income or (ii) an amount in excess of the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.

(c) Combined interests. It is unlawful for any firm, partnership, association, or corporation, in which any person listed in subsection (a) together with his or her spouse or minor children is entitled to receive (i) more than 15%, in the aggregate, of the total distributable income or (ii) an amount in excess of 2 times the salary of the Governor, to have or acquire any such contract or direct pecuniary interest therein.<sup>76</sup>

Violation is a business offense, punishable by a fine of \$1,000 to \$5,000.<sup>77</sup>

The Illinois Supreme Court in a 1967 case held that the term “direct pecuniary interest” in a predecessor of subsection (a) did not include mere ownership of stock in a corporation having a state contract.<sup>78</sup> But subsections (b) and (c) go on to establish specific ownership percentages that will make a contract illegal. They prohibit a business in which a legislator is entitled to over  $7\frac{1}{2}\%$  of the income—or in which the legislator, legislator’s spouse, and minor children are entitled to over 15% of the income—from having any state contract of a kind described in subsection (a) or a direct pecuniary interest in it. The Illinois Supreme Court in the case just mentioned held that a nearly identical prohibition applied only to the business, and did not subject the shareholder to personal liability.<sup>79</sup> Of course it is not certain that the courts would apply the current law similarly.

There are several exceptions to these prohibitions, including contracts for teaching; contracts to perform “ministerial” (such as clerical) duties by the member’s spouse or minor child; payments to foster parents by the Department of Children and Family Services (DCFS); and payments to licensed professionals that either are competitively bid, or are part of “a reimbursement program for specific, customary goods and services” of DCFS, the Department on Aging, or the Department of Human Services, Public Aid, or Public Health.<sup>80</sup> Also, this section does not invalidate any contract that was made before the legislator’s election; but such a contract is voidable if it cannot be completed within 365 days after the legislator takes office.<sup>81</sup>

Finally, the Governor (or an executive ethics board or commission designated by the Governor), with the approval of the relevant agency’s chief procurement officer,<sup>82</sup> can exempt a named person from the prohibitions of this section after determining that “the public interest in having the individual in the service of the State outweighs the public policy evidenced in” this section. To take effect, such an exemption must be filed with the Secretary of State and Comptroller; must state all the facts involved, including the reason for the exemption; and must be published in the Illinois Procurement Bulletin.<sup>83</sup>

Another section of the Illinois Procurement Code prohibits all current and former elected and appointed state officials and employees from using confidential information that is available to them due to their offices or employment “for actual or anticipated gain for themselves or another person.”<sup>84</sup> No specific penalty is stated for violating that prohibition, but it presumably is subject to a general provision making violation of the Code a Class A misdemeanor<sup>85</sup> (punishable by up to 1 year in jail and/or a fine up to \$2,500<sup>86</sup>).

The Illinois Procurement Code does not cover procurements for the General Assembly’s own use, although legislative procurement rules can incorporate provisions of the Code.<sup>87</sup>

#### Misuse of Office and Bribery

Some kinds of actions in the course of legislating are specifically prohibited. The Illinois Governmental Ethics Act forbids a legislator to:

- Lobby for compensation;<sup>88</sup> represent clients before the Court of Claims or Workers’ Compensation Commission (formerly the Industrial Commission) if the state is the opposing party; or (by implication) allow an associate of the legislator, while representing a client, to use the association with the legislator to influence the Court of Claims or the Workers’ Compensation Commission.<sup>89</sup> Violation of any of these prohibitions is a Class A misdemeanor (punishable by up to 1 year in jail and/or a fine up to \$2,500).
- Accept any compensation, other than the salary and allowances provided by law, for performing official legislative duties. Violation is a petty offense, punishable by a fine up to \$1,000.<sup>90</sup>
- Accept any honorarium. This term is defined essentially as a payment for an appearance or speech, except reimbursements for actual travel, lodging, and meal expenses for a legislator and one relative. The definition specifically excludes payments made on a legislator’s behalf to a tax-exempt organization; agents’ fees and commissions; and political contributions reported under the Election Code. The Act does not mention a criminal penalty for violation, although violation may be punishable under the Official Misconduct section of the Criminal Code.<sup>91</sup> The Act requires any non-exempt honorarium received to be surrendered to the state.<sup>92</sup>

From there the statutes proceed to outright bribery. Soliciting, giving, or taking a bribe is prohibited by criminal statutes, with violation either a Class 2 or Class 3 felony depending on the facts. The exact wording of the provision on a legislator’s taking a bribe is as follows:

No member of the General Assembly shall accept or receive, directly or indirectly, any money or other valuable thing, from any corporation, company or person, for any vote or influence he may give or withhold on any bill, resolution or appropriation, or for any other official act.<sup>93</sup>

Violation is a Class 3 felony,<sup>94</sup> which is punishable by 2-5 years in prison and/or a fine up to \$25,000.<sup>95</sup> Another provision that may apply in legislative situations makes a person guilty of bribery who

receives, retains or agrees to accept any property or personal advantage which he is not authorized by law to accept knowing that such property or personal advantage was promised or tendered with intent to cause him to influence the performance of any act related to the employment or function of any public officer . . . .<sup>96</sup>

Violation of that prohibition is a Class 2 felony,<sup>97</sup> which is punishable by 3-7 years in prison and/or a fine up to \$25,000.<sup>98</sup> In addition, any public officer who fails to report a bribe attempt to the proper law-enforcement officer commits a Class A misdemeanor. It is not entirely clear from the law whether the proper entity to receive a report from a legislator is the local state's attorney or the Department of State Police, but the latter seems more likely.<sup>99</sup>

In addition, Article 3 of the Governmental Ethics Act prohibits several more specifically defined kinds of actions related to bribery:

- Accepting any “economic opportunity” (a business or other profitmaking opportunity) if the legislator knows or should know that there is a substantial possibility it is being offered to influence the legislator.<sup>100</sup>
- Charging a person known to have a legislative interest substantially more to lease or buy any property, or to obtain any service, than would be charged in the ordinary course of business.<sup>101</sup>
- Using confidential information obtained in official duties for private benefit.<sup>102</sup>
- Accepting of a representation case (such as by a lawyer) if there is substantial reason to believe it is being offered to obtain improper influence over a state agency.<sup>103</sup>
- Using improper means to influence a state agency in a representation case.<sup>104</sup>
- “[O]ther conduct which is unbecoming to a legislator or which constitutes a breach of public trust.”<sup>105</sup>

Although the Act lists no specific penalty for violating these provisions, violations may be punishable under the Official Misconduct section of the Criminal Code (as a Class 3 felony, also resulting in forfeiture of office).<sup>106</sup>

#### Misuse of Public Funds

Both the Illinois Constitution and a statute prohibit use of government funds for political purposes. The constitutional prohibition is quite general:

Public funds, property or credit shall be used only for public purposes.<sup>107</sup>

The Attorney General, in a 1975 opinion on the subject of legislative newsletters, advised that “public purposes” within the meaning of that provision do not include promotion of partisan political causes.<sup>108</sup> Also, the statute authorizing the office allowance for legislators says that each legislator may use the

allowance “in connection with his or her legislative duties and not in connection with any political campaign.”<sup>109</sup>

Drawing the line between governmental and partisan political uses of public money can be difficult. The problem frequently arises with newsletters that legislators send to some of their constituents. Ideally, a legislative newsletter helps inform residents of the district about recent laws or pending bills likely to affect them. However, the political value of getting an incumbent’s name and accomplishments before the voters is well known. There are no court decisions or other official interpretations of what “not in connection with any political campaign” in the statute means. However, seeking political contributions or other political help using public funds is clearly forbidden by the Constitution, as the Attorney General noted in the 1975 opinion.<sup>110</sup>

State law also requires items such as newsletters, if printed by a state agency such as the Legislative Printing Unit, to contain the words “Printed by authority of the State of Illinois” and the date of publication, number of copies, and printing order number.<sup>111</sup> Privately printed materials need not contain that information. But if printed using a legislator’s office allowance or other public funds, they are subject to the constitutional and statutory restrictions mentioned above. Penalties, in addition to damaging publicity, could include being required by a court to pay back any money improperly spent, and possible conviction under the general official-misconduct law.<sup>112</sup>

Other laws set specific periods before elections during which no legislative “newsletters or brochures” prepared using state funds may be printed or distributed. Those times are in even-numbered years from February 1 until the day after the primary election, and from September 1 until the day after the general election. During those times, the Legislative Printing Unit is prohibited from printing such publications, and legislators are prohibited from mailing them if they were printed by the Legislative Printing Unit<sup>113</sup> or were paid for in whole or in part from a legislator’s “district office” allowance.<sup>114</sup> These prohibitions have exceptions that allow mailing a newsletter or brochure to a specific constituent in response to a request or inquiry.<sup>115</sup>

Finally, a little-known section of state law prohibits any publication prepared by or through a state agency from having written, stamped, or printed on it, or attached to it, words such as “Compliments of [person’s name].”<sup>116</sup> This law presumably is intended to prevent state officers or employees from trying to get credit with the public for giving away publications (such as the *Blue Book*) that were printed using state funds.

#### Prohibitions Involving Specific Kinds of Entities

The Horse Racing Act prohibits racing organizations licensed to race in Illinois from having public officials, or members of their families, as holders of direct or indirect ownership or financial interests in those organizations.<sup>117</sup> The Act also prohibits any such organizational licensee or racing concessionaire, or an officer, director, or person with at least a 5% interest in either, from making a political contribution to a public official or political candidate.<sup>118</sup>

The Foreign Trade Zones Act prohibits any legislator or other state officer, or anyone with a described kind of kinship to such a person, from having a contract or direct pecuniary interest in a contract made under that Act.<sup>119</sup>

Other provisions that could apply in rare situations are in the article of the Criminal Code of 1961 on public contracts. That article bars public officials from providing information to prospective bidders on public contracts (not made available to the public generally) to help them prepare bids, and related practices that tend to prevent the state from getting the best price or quality in contracting.<sup>120</sup>

Other Ethical Principles	Article 3 of the Governmental Ethics Act, entitled “Code of Conduct,” contains both “Rules of Conduct for Legislators” <sup>121</sup> (summarized above) and “Ethical Principles for Legislators.” <sup>122</sup> The “Ethical Principles” are not legally enforceable <sup>123</sup> but serve as guides to legislators and the public about the acceptability of questioned conduct.
Fair Campaign Practices Act	An article of the Election Code encourages candidates for public office to sign a “Code of Fair Campaign Practices” contained in it. The Code contains general statements that the candidate will avoid unjustified personal attacks on opponents, distortion of facts, and dishonest or unethical practices. <sup>124</sup> Signing the Code is voluntary, and courts cannot force a signer to adhere to it. <sup>125</sup> But any copy of the Code signed by a candidate and filed with the State Board of Elections becomes a public record. <sup>126</sup>
Disqualification for Crime	<p>The Illinois Constitution says this about disqualification from office due to crime:</p> <p style="padding-left: 40px;">A person convicted of a felony, bribery, perjury or other infamous crime shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.<sup>127</sup></p> <p>The precise scope of “infamous” crimes is not clear. The Illinois Supreme Court, interpreting a similar provision in the 1870 Constitution, said a “felony which falls within the general classification of being inconsistent with commonly accepted principles of honesty and decency, or which involves moral turpitude” is infamous.<sup>128</sup> But the provision in the 1970 Constitution applies more broadly to <i>all</i> felonies and to any lesser crimes that are infamous.</p> <p>The statutes on this subject bring more uncertainty. A section in the Election Code says a person convicted of an infamous crime is thereafter ineligible for any office of trust or profit unless eligibility is restored by a pardon “or otherwise according to law.”<sup>129</sup> But provisions in the Unified Code of Corrections imply that eligibility for public office is restored automatically upon completion of a prison sentence.<sup>130</sup> A panel of the Illinois Appellate Court in 1980 found a denial of equal protection in different standards established by these two statutes, and held that a local official who had been convicted of extortion could run for office after completing his sentence.<sup>131</sup> That decision was not appealed to the Illinois Supreme Court. Thus the duration of ineligibility for office due to a felony or other infamous crime is not entirely clear.</p> <p>Another section of the Election Code says an elective office automatically becomes vacant upon the officer’s conviction of, or written agreement to plead guilty to, an infamous crime. The latter event happens on the date a guilty verdict is returned by the jury or, if the trial is by a judge, on the date a guilty finding is entered.<sup>132</sup></p>

Loss of Pension Due to Crime	Benefits under the General Assembly Retirement System will not be paid to anyone convicted of a felony relating to, or arising out of or in connection with, legislative service. <sup>133</sup>
Dual Officeholding	The issue of legislators' holding other public office is addressed in this provision of the Illinois Constitution:

No member of the General Assembly shall receive compensation as a public officer or employee from any other governmental entity for time during which he is in attendance as a member of the General Assembly.<sup>134</sup>

Thus the Constitution does not prohibit dual public officeholding if the legislator is not being paid for working at another unit of government while actually attending the General Assembly.

Two Attorney General's opinions under the 1970 Constitution have advised on the compatibility of being a legislator while also being a county board member or township supervisor. These opinions cited several conditions that can make two offices incompatible: If the Constitution or a statute specifically prohibits one person from holding both offices; if the interests of one office would conflict with those of the other; or if the duties of one office are such that its holder cannot in every instance fully and faithfully perform the duties of the other. The Attorney General concluded that none of these conditions was present so as to prevent a legislator from also holding office as a county board member or township supervisor.<sup>135</sup> Another principle occasionally cited in the dual-officeholding area is separation of powers among the three branches of government. However, it does not appear that this principle now applies to a person with offices or employment at different levels of government (such as mayor and state legislator).

Thus there is little legal barrier to legislators' holding local public office or employment, provided the time commitments are compatible. But the principle of separation of powers almost certainly would prevent a state legislator from simultaneously serving in the state executive or judicial branch.

- |       |  |
|-------|--|
| Notes | <ol style="list-style-type: none"> <li>1. Downloaded from "Domestic Maximum Per Diem Rates—Effective October 1, 2004" (interactive page on U.S. General Services Administration Internet site).</li> <li>2. 26 U.S. Code subsec. 162(h)(1) and (4).</li> <li>3. 26 U.S. Code subsec. 162(h)(2).</li> <li>4. 26 U.S. Code subsecs. 274(n)(1), 162(a), and 67(a). The 1987 IRS interpretation was in IRS Notice 87-23, 1987-1 Cum. Bull., p. 467.</li> <li>5. 41 Code of Fed. Regs. sec. 301-10.303 (rev. July 1, 2004), and 25 ILCS 115/1, second paragraph, adopting the amount allowed by that federal regulation.</li> <li>6. 26 Code of Fed. Regs. subsec. 1.262-1(b)(5); Rev. Proc. 95-54 (1995-2 Cum. Bull., p. 450).</li> <li>7. 26 U.S. Code subsec. 274(d); 26 Code of Fed. Regs. sec. 1.274-5T; Treas. Reg. subsec. 1.162-17(d).</li> </ol> |
|-------|--|

8. See 26 U.S. Code subsecs. 67(a) and (b).
9. See 35 ILCS 5/203(e)(1), 5/203(a)(1), 5/202, and 5/201(b).
10. 10 ILCS 5/9-1.8 and 5/9-1.14 as amended by P.A. 93-847 (2004).
11. 10 ILCS 5/9-7.
12. 10 ILCS 5/9-11. Subsec. 9-11(4) allows an exception to the requirement of reporting a contributor's occupation and employer if the committee has made a good-faith but unsuccessful effort to obtain that information.
13. 10 ILCS 5/9-26.
14. Ill. Const., art. 13, sec. 2.
15. 5 ILCS 420/1-101 ff., and specifically 420/4A-101 ff.
16. 5 ILCS 420/4A-102.
17. 5 ILCS 420/4A-105.
18. 5 ILCS 420/4A-106, ninth paragraph as amended by P.A. 93-617 (2003).
19. The State Officials and Employees Ethics Act is a result of two Public Acts that became law late in 2003. It was enacted by P.A. 93-615, then extensively expanded and changed by P.A. 93-617. The Act is codified in 5 ILCS 430/1-1 ff.
20. 5 ILCS 430/5-10.
21. 5 ILCS 430/50-5(b).
22. 5 ILCS 430/5-5.
23. 25 ILCS 115/4, third paragraph as amended by P.A. 93-615.
24. 5 ILCS 430/5-15.
25. 5 ILCS 430/1-5 (definition of "Prohibited political activity").
26. 5 ILCS 430/50-5(a).
27. 730 ILCS 5/5-8-3(a)(1) and 5/5-9-1(a)(2).
28. 5 ILCS 430/5-20 as amended by P.A. 93-685 (2004).
29. 5 ILCS 430/50-5(b).
30. 5 ILCS 430/5-30.
31. 5 ILCS 430/50-5(a).
32. 5 ILCS 430/5-35.
33. 5 ILCS 430/50-5(b).
34. 5 ILCS 430/5-40.
35. 5 ILCS 430/50-5(a).
36. 5 ILCS 430/5-45.
37. 5 ILCS 430/50-5(a).
38. 5 ILCS 430/50-5(c).
39. 5 ILCS 430/10-30.
40. See 5 ILCS 430/1-5, definition of "Member."
41. 5 ILCS 430/1-5, definition of "Prohibited source."
42. 5 ILCS 430/1-5, definition of "Gift."
43. 5 ILCS 430/10-10.
44. 5 ILCS 430/10-15.
45. This exception should be read in conjunction with the definition of "State agency" in 5 ILCS 430/1-5.
46. 5 ILCS 430/10-15.
47. See definition of "State agency" in 5 ILCS 430/1-5.
48. 5 ILCS 430/10-40.
49. 5 ILCS 430/25-5(b) and (c).
50. 5 ILCS 430/25-10(b).
51. 5 ILCS 430/25-15.
52. 5 ILCS 430/25-20.
53. 5 ILCS 430/25-21.
54. 5 ILCS 430/25-23.



55. 5 ILCS 430/25-90.
56. 5 ILCS 120/1.02, definition of “Public body” as amended by P.A. 93-617.
57. 5 ILCS 430/25-95. See the corresponding provision in 5 ILCS 140/7(hh) as amended by P.A. 93-617.
58. 5 ILCS 430/25-35 to 430/25-80.
59. 5 ILCS 430/25-85 and 430/25-86.
60. 5 ILCS 430/15-5 ff.
61. 5 ILCS 430/30-5 ff.
62. 5 ILCS 430/20-5 ff. and 430/35-5 ff.
63. 5 ILCS 430/70-5 ff.
64. See P.A. 93-615, secs. 90-3 ff.
65. 25 ILCS 115/4.2.
66. 730 ILCS 5/5-8-(a)(6) and 5/5-9-1(a)(1).
67. 720 ILCS 5/33-3.
68. 50 ILCS 105/3(a).
69. 50 ILCS 105/3(a).
70. 50 ILCS 105/3(b) and (c).
71. 50 ILCS 105/4.
72. 50 ILCS 105/4.5, adopting 720 ILCS 5/32-2 and 5/32-3 by reference.
73. 30 ILCS 500/1-1 ff.
74. See 30 ILCS 500/1-30.
75. 30 ILCS 500/50-1 ff.
76. 30 ILCS 500/50-13(a) to (c).
77. 30 ILCS 500/50-13(g).
78. *People v. Isaacs*, 37 Ill. 2d 205, 226 N.E.2d 38 (1967).
79. 37 Ill. 2d at 214-215, 226 N.E.2d at 45.
80. 30 ILCS 500/50-13(f).
81. 30 ILCS 500/50-13(e).
82. Another section of the Illinois Procurement Code (30 ILCS 500/1-15.15) defines who is the Chief Procurement Officer for each kind of state procurement. For general state purchasing, that person is the Director of the Department of Central Management Services.
83. 30 ILCS 500/50-20.
84. 30 ILCS 500/50-50.
85. 30 ILCS 500/50-75(b).
86. Penalties for misdemeanors are listed in 730 ILCS 5/5-8-3 and 5/5-9-1(a).
87. 30 ILCS 500/1-30(b).
88. 5 ILCS 420/2-101.
89. 5 ILCS 420/2-104.
90. 5 ILCS 420/2-103. The maximum fine for a petty offense is stated in 730 ILCS 5/5-9-1(a)(4).
91. See 720 ILCS 5/33-3.
92. 5 ILCS 420/2-110.
93. 720 ILCS 645/1.
94. 720 ILCS 645/2.
95. 730 ILCS 5/5-8-1(a)(6) and 5/5-9-1(a)(1).
96. 720 ILCS 5/33-1(d).
97. 720 ILCS 5/33-1(f).
98. 730 ILCS 5/5-8-1(a)(5) and 5/5-9-1(a)(1).
99. See 720 ILCS 5/33-2, which says in relevant part: “Any public officer, public employee or juror who fails to report forthwith to the local State’s

Attorney, or in the case of a State employee to the Department of State Police, any offer made to him in violation of Section 33-1 commits a Class A misdemeanor” (emphasis added). In strict usage, legislators are public *officers*, not public employees. The mention of both public officers and public employees at the beginning of the quoted sentence suggests that the drafter was aware of the distinction; and the terms “public officer” and “public employee” are defined separately in the Criminal Code of 1961, of which this section is a part (720 ILCS 5/2-17 and 5/2-18). But it seems unlikely that the General Assembly would have intended state *employees* to report bribe attempts to the State Police but state *officers* to report them to a state’s attorney.

100. 5 ILCS 420/3-102.
101. 5 ILCS 420/3-103.
102. 5 ILCS 420/3-104.
103. 5 ILCS 420/3-105.
104. 5 ILCS 420/3-106.
105. 5 ILCS 420/3-107.
106. 720 ILCS 5/33-3.
107. Ill. Const., art. 8, subsec. 1(a).
108. Opinion S-960 (1975 Ops. Atty. Gen., p. 212).
109. 25 ILCS 115/4, end of first sentence.
110. Opinion S-960 at p. 213.
111. 30 ILCS 500/20-105.
112. 720 ILCS 5/33-3.
113. 25 ILCS 130/9-2.5 as amended by P.A. 93-615.
114. 25 ILCS 115/4, fourth paragraph as amended by P.A. 93-615.
115. 25 ILCS 130/9-2.5 and 25 ILCS 115/4, fourth paragraph, each as amended by P.A. 93-617.
116. 30 ILCS 500/20-105, last sentence.
117. 230 ILCS 5/24(c) and (d).
118. 230 ILCS 5/24(f).
119. 50 ILCS 40/2.
120. 720 ILCS 5/33E-1 ff. (especially 5/33E-6).
121. These rules are in 5 ILCS 420/3-102 to 420/3-107.
122. 5 ILCS 420/3-201 to 420/3-205.
123. See 5 ILCS 420/3-206.
124. 10 ILCS 5/29B-10.
125. 10 ILCS 5/29B-35.
126. 10 ILCS 5/29B-25.
127. Ill. Const., art. 13, sec. 1.
128. *People ex rel. Keenan v. McGuane*, 13 Ill. 2d 520 at 534, 150 N.E.2d 168 at 176 (1958), cert. den. 358 U.S. 828.
129. 10 ILCS 5/29-15. This section refers to “an infamous crime as such term is defined in Section 124-1 of the Code of Criminal Procedure of 1963” (Ill. Rev. Stat. through 1985, ch. 38, sec. 124-1), but that section was repealed in 1986.
130. 730 ILCS 5/3-3-8(d) and 5/5-5-5(b).
131. *Coles v. Ryan*, 91 Ill. App. 3d 382, 414 N.E.2d 932 (1980).
132. 10 ILCS 5/25-2.
133. 40 ILCS 5/2-156.
134. Ill. Const., art. 4, subsec. 2(e), first paragraph.
135. Opinions S-1027 (1976 Ops. Atty. Gen., p. 49) and 80-027 (1980 Ops. Atty. Gen., p. 116).

## CHAPTER 8

### CONTENTS

### STATE BUDGET AND APPROPRIATION PROCESS

<b>Governor's Budget</b> .....	1
Restrictions on Spending Public Funds .....	2
<b>Appropriation Bills</b> .....	2
<b>Notes Required on Some Kinds of Bills</b> .....	3
Fiscal Notes .....	4
Pension Impact Notes.....	4
Judicial Notes .....	4
State Debt Impact Notes .....	4
Correctional Budget and Impact Notes .....	5
Home-Rule Notes.....	5
Balanced Budget Notes .....	5
Housing Affordability Impact Notes.....	5
State Mandate Notes .....	6
General Points on Notes.....	6
Real Estate Appraisals in House .....	6
<b>State Debt Authority</b> .....	6
Long-Term Debt .....	7
Short-Term Debt .....	7
Medicaid Borrowing .....	7
Revenue Bonds .....	8
<b>Post-Appropriation Reports</b> .....	8



## STATE BUDGET AND APPROPRIATION PROCESS

Even if the General Assembly passed no substantive bills, it would still need to meet each year and appropriate money to fund the state government. Until 1969 the General Assembly passed appropriations for 2 years at a time (biennial appropriations). But in 1969 a single-year annual budget and appropriations were enacted; and the 1970 Constitution mandated a continuation of annual budgets and appropriations.

### Governor's Budget

The budget and appropriation season opens on the third Wednesday in February when the Governor presents his proposed budget to a joint session of the General Assembly.<sup>1</sup> The Governor outlines his fiscal program for the year and argues for its adoption. This message also alerts the many groups interested in state programs about how much support they can expect from the Governor. This budget message is the first round in the fight for state money.

The Governor's proposed budget for current fiscal year (FY) 2005 was a volume about an inch thick. It showed estimated revenues available to the state for the next fiscal year and, as required by the Constitution, set forth "a plan for expenditures and obligations during the fiscal year of every department, authority, public corporation and quasi-public corporation of the State, every State college and university, and every other public agency created by the State . . . ."<sup>2</sup> It listed categories of programs such as education, transportation, and public safety, describing in detail how much money the Governor proposed to allocate for each purpose by department or agency, and what objectives would be met by those expenditures. A separate book outlined a plan of capital improvements for the year, and a program to fund them. Proposed expenditures were listed and compared to the same categories from recent years. The Governor's proposed budget also set forth exact numbers as they would be enacted in appropriations, categorized by line items for each agency.

The State Finance Act says the Governor's proposed appropriations are to be prepared in the form of one or more bills, and within two session days after the Governor's budget message either introduced in the General Assembly or sent to the House and Senate leaders.<sup>3</sup>

**Restrictions  
on Spending  
Public Funds**

The Constitution imposes several general restrictions on how public money can be spent:

- (1) Public funds, other public property, and public credit can be used only for public purposes.<sup>4</sup> Illinois court decisions have held that the fact that some benefits will flow to a private organization does not make an expenditure unconstitutional, if it serves a public purpose.<sup>5</sup>
- (2) Public funds can be spent only as authorized by law.<sup>6</sup> Records of those expenditures must be available for public inspection.<sup>7</sup>
- (3) Appropriations cannot exceed funds estimated by the General Assembly to be available for the fiscal year.<sup>8</sup> To meet this requirement, the Illinois Economic and Fiscal Commission (IEFC) issues an estimate of all anticipated income of the state for each upcoming fiscal year. A law requires the IEFC to make such estimates to the General Assembly at the start of each regular session, and update it on the third Wednesday in March. The IEFC is also required to issue estimates of pension funding requirements and state employee group health insurance costs for the next fiscal year on the third Wednesday in March.<sup>9</sup>

**Appropriation Bills**

Under the Illinois Constitution, appropriation bills must be limited to appropriations; they cannot propose substantive changes in law.<sup>10</sup> The first page of an appropriation bill has the same kind of information as on a substantive bill: the bill's number, sponsor, and a synopsis of its contents as introduced. The synopsis on an appropriation bill states the general purpose of the appropriation(s), the name(s) of the department(s) or agency(ies) to receive them, their total amount, and how much is to come from which funds in the state treasury.

Every deposit into the state treasury goes into a specific fund. The basic fund for running state government is the General Revenue Fund (GRF). Money in the GRF is not "earmarked" and may be appropriated for any lawful state purpose. Other funds are restricted to specific uses established by law, such as the Road Fund or Common Schools Fund. An appropriation bill specifies the fund in the state treasury from which the money is to be drawn.

The text of an appropriation bill, starting on its second page, has one or more sections, each stating the general use of one appropriation (such as for ordinary and contingent expenses of a named department); amounts categorized into specific classes of expenditures; and the name(s) of the fund(s) in the state treasury from which the money is to come. The State Finance Act classifies appropriations into 18 categories<sup>11</sup> and defines the purposes of most of them.<sup>12</sup> The categories that typically have the largest expenditures are personal services, contractual services, commodities, and equipment. Each sum to be spent in any classification is called a line item. Any item or reduction vetoes by the Governor must be made to specific line items.

After an appropriations law is enacted, a department or agency can use each line item for only the purposes stated, with the following limited exception: In normal years as much as 2% of each agency's *total* appropriation can be transferred among purposes, but only within the same fund in the state treasury.<sup>13</sup> This provision does not allow transfer from a line item for personal services, for contributions to the State Employees' Retirement System, or for employee group insurance.<sup>14</sup> If a larger transfer is needed, or a deficiency or supplemental appropriation is needed before the end of a fiscal year, agencies must ask the General Assembly to provide it.

(A temporary provision effective only in fiscal year 2003 raised the limit on intrafund transfers to 3%.<sup>15</sup> Other provisions effective only in fiscal year 2005 raise the overall limit on intrafund transfers to 4%<sup>16</sup> and, as an exception to the prohibition stated in the preceding paragraph, allow additional transfers of up to 2% among an agency's appropriations from any one treasury fund for personal services and retirement contributions.<sup>17</sup>)

An appropriation is sometimes instead made for a specific project or event (such as for the New Members' Conference) without division into categories. This is called a "lump-sum" appropriation. It is a separate appropriation for a single project, so no transfers can be made into or out of it.<sup>18</sup>

An appropriation bill covers no more than one fiscal year, and may further divide a line item into parts to be spent during only the first or last half of the fiscal year. For example, if a general election will occur during a fiscal year (with a some change in elected officers), the General Assembly typically allows no more than half of each appropriation for operating a state office to be spent in the first 6 months of that fiscal year (July through December).

Although appropriation bills must be limited to appropriations, there is no limit on how many appropriations can be in one bill. Most or even all of the state budget can be appropriated in one bill, as was done for the current fiscal year (2005).<sup>19</sup>

Appropriation bills must meet the same procedural requirements for passage as other bills.

## Notes Required on Some Kinds of Bills

Several laws allow legislators to demand the filing of "notes" giving information on some kinds of bills—or even require notes on all bills in some category. These notes attempt to project possible effects (usually financial) if a bill becomes law. The kinds of such "impact notes" that can be demanded, or are automatically required by law for some types of bills, are fiscal, pension, judicial, state debt, correctional budget and impact, home rule, balanced budget, housing affordability, and state mandates. The *Legislative Synopsis and Digest* entry on a bill may state that it is subject to one or more of these note requirements, which are described on the next page.

**Fiscal Notes** The sponsor must obtain a fiscal note before the Second Reading of any non-appropriations bill that would directly or indirectly increase spending of state funds; increase or reduce state revenues; increase spending by or change revenues to units of local government, school districts, or community college districts; revise the distribution of state aid among any such units; or amend the Mental Health and Disabilities Code or Developmental Disabilities and Mental Disabilities Services Act. The sponsor is to send a copy of the bill to the agency whose costs or duties would be most affected, asking it to prepare a fiscal note. The agency is to furnish a note within 5 calendar days unless the sponsor authorizes an extension due to the bill's complexity. The note is to provide an estimate of the immediate and possible long-range fiscal effects of the bill. Another provision says that if a bill would authorize capital expenditures or appropriate funds for them, the Governor's Office of Management and Budget is to prepare a fiscal note, specifying by year any principal or interest payments that would be required to finance the spending. If no estimate can be provided, the note will say so and give the reason.<sup>20</sup> Legislators' opinions on the accuracy of estimates in a fiscal note sometimes vary depending on whether they support or oppose the bill involved.

**Pension Impact Notes** If a bill would amend the Illinois Pension Code or the State Pension Funds Continuing Appropriation Act, the Clerk of the House or Secretary of the Senate is to send a copy to the Illinois Economic and Fiscal Commission, asking it to provide a pension impact note within 7 days.<sup>21</sup> Such a note describes the immediate and long-range financial effects of changes proposed to public pension systems. The Commission may also comment on the merits of the bill.<sup>22</sup> Copies of the note go to the Presiding Officer and minority leader of each house, the Clerk and Secretary, the chairman of the committee in each house that considers pension bills, the sponsor, and the legislator (if any) who asked for a note.<sup>23</sup>

**Judicial Notes** If a bill would have the purpose and effect of increasing or reducing the number of any category of state judges, the sponsor must send a copy to the Illinois Supreme Court and ask it to provide a judicial note within 5 days. Such a note estimates the need for an increase or decrease in judges, based on population and caseload data for the area covered. If this need cannot be determined, the note will say so and give the reason.<sup>24</sup>

**State Debt Impact Notes** If a bill would increase the state's authorized long-term debt, or appropriate money from bond financing, the chairman of the committee that assigns bills to committee in its house of origin (presumably now referring to that house's Rules Committee) is to send a copy to the Illinois Economic and Fiscal Commission, asking it to provide a state debt impact note within 7 days.

The fiscal note for a bill proposing to increase the amount of debt authorization is to describe the current outstanding debt authorizations and project the cost of retiring the proposed additional bonds. The fiscal note for a bill proposing to appropriate from bond proceeds is to give an estimate of the impact of the bill on the state's debt-service costs; the intended purpose and useful life of the proposed project; and its maintenance and operating costs.

Copies of the note are sent to the Presiding Officer and minority leader in each house, the Clerk and Secretary, the sponsor, the chairmen and minority spokespersons of the appropriations and revenue committees of each house, and the legislator (if any) who asked for the note.<sup>25</sup>



**Correctional Budget and Impact Notes** If a bill proposes to create a new crime; lengthen the possible imprisonment for an existing crime; or impose mandatory imprisonment, the sponsor must file a correctional budget and impact note in the house of origin. The Department of Corrections is to prepare the note within 10 calendar days after the request. The note must give factual information on the impact the bill would have on the size of the prison population, and the likely impact on the Department's annual budget.<sup>26</sup>

If a bill would create a new crime punishable by detention in a juvenile facility, probation, intermediate sanctions, or community service; or increase the punishment for an existing crime so as to require commitment to a probation and court services department, the sponsor must file a correctional budget and impact note in the house of origin. The Administrative Office of the Illinois Courts is to prepare the note within 10 calendar days after a request. The note must give factual information on the likely effects the bill would have on probation caseloads and staffing needs statewide, and on the annual budgets of the Illinois Supreme Court and of counties.<sup>27</sup>

**Home-Rule Notes** If a bill proposes to deny or limit any power or function of a home-rule unit, the sponsor must file a home-rule note in the house of origin. The Department of Commerce and Economic Opportunity is to prepare the note within 10 days after the request, unless the sponsor allows an extension of 5 days due to the complexity of the bill. The note is to include both immediate effects of the bill, and long-term effects if foreseeable.<sup>28</sup>

**Balanced Budget Notes** The sponsor of a bill or amendment proposing a supplemental appropriation to change the allocation of General Funds revenues must prepare a balanced-budget note and file it in the house where the bill or amendment is being considered. The note is to include a discussion of a proposed reduction in other spending, or increases in state revenues, that would allow the bill to become law without "adversely affecting" the state budget for that fiscal year. Copies of the note must be submitted to the Clerk or Secretary, the Presiding Officer and minority leader of each house, the chairman and minority spokesman of the appropriations committee to which the bill is or was assigned, the bill's sponsor, and the sponsor of the amendment if different.<sup>29</sup>

**Housing Affordability Impact Notes** If a bill would directly increase or reduce the cost of building, buying, owning, or selling a single-family residence, the sponsor must ask the Illinois Housing Development Authority (IHDA) to prepare a housing affordability impact note for filing in the house of origin. IHDA is to prepare the note within 5 days unless the bill's complexity requires more time.<sup>30</sup> The note must estimate costs of the immediate effects and, if possible, of long-range effects. If no cost estimate can be made, the note must so indicate. A summary or worksheet of computations used to make the cost estimate must be attached to the note.<sup>31</sup>

**State Mandate Notes** The State Mandates Act says that if a law imposes more responsibilities on units of local government, school districts, or community college districts, thus causing their revenues or expenditures to change (or if it would change the distribution of state funds to them), the state must reimburse them—with exceptions for some categories of proposed changes.<sup>32</sup> Any bill that would make such changes must have a fiscal note stating the amounts of fiscal changes it would cause. For bills affecting units of local government, the state mandates note is prepared by the Department of Commerce and Economic Opportunity. For bills affecting school districts, the fiscal note is prepared by the State Superintendent of Education. For bills affecting community college districts, the fiscal note is prepared by the Illinois Community College Board.<sup>33</sup>

The most common method of dealing with the State Mandates Act has been to include, in a bill that proposes a new program, an exemption of that new program from the Act.<sup>34</sup> But even if a bill calls for such an exemption, a note must still be filed with it.<sup>35</sup>

**General Points on Notes**

The following provisions are found in several of the laws requiring notes:

- In most cases, if a bill needing a note is amended in a way that substantially alters the information on which the note was based, the note must be revised to reflect the change.
- If a legislator who is not the sponsor requests that a note be furnished, the bill can be held on Second Reading until a note is provided.
- If there is a dispute about whether a note is required on a bill, and the dispute cannot be otherwise settled, the sponsor can ask the full house to decide the question by majority vote.

**Real Estate Appraisals in House**

A House rule requires that if a bill provides for any real estate owned by the state to be conveyed (except to another government), a certified appraisal of its value must be filed. The appraisal is to be filed with the clerk of the standing committee to which the bill is assigned. If the bill is advanced to Second Reading without reference to a committee, the appraisal is to be filed with the Clerk of the House.<sup>36</sup>

**State Debt Authority**

The Finance Article of the Constitution says that the Governor may not propose expenditures for a fiscal year that would exceed estimated revenues;<sup>37</sup> and the General Assembly may not appropriate amounts that exceed estimated revenues.<sup>38</sup> Thus the Constitution directs that the state's annual operating budget be balanced. But the Constitution permits the state to incur long-term debt, or short-term "casual" debt, using the procedures described on the following pages.

**Long-Term Debt** This is the most common way in which the state borrows, usually for major construction projects. Such projects are usually funded by general-obligation (“GO”) bonds secured by the state’s full faith and credit. Such long-term debt must be authorized by a law stating the purpose of the project and providing for repayment. A law authorizing long-term debt must be either (1) passed by three-fifths of the members elected to each house, or (2) passed by the usual constitutional majority in each house and approved at the next general election by a majority of persons voting on the question.<sup>39</sup> Only method (1) has been used since this provision was adopted as part of the 1970 Constitution.

**Short-Term Debt** This form of debt is incurred for a short time if unanticipated events cause a temporary excess of spending over revenues. The Constitution provides two ways to incur short-term debt:

- (1) The state may provide by law for incurring debt in anticipation of revenues up to 5% of total appropriations for that fiscal year, but the debt must be repaid during the same fiscal year.<sup>40</sup>
- (2) The state may provide by law for incurring debt due to emergencies or failures of revenue up to 15% of total appropriations for that fiscal year, but the debt must be repaid within 1 year after it is incurred.<sup>41</sup>

A statute on short-term borrowing authorizes the Governor, Comptroller, and Treasurer jointly to borrow an amount equaling up to 5% of the state’s annual appropriations to meet a short-term imbalance between revenue and spending.<sup>42</sup> Amounts so borrowed must be repaid by the end of that fiscal year. This act was used in fiscal years 1983, 1987, 1992, 1993, 1994, 1995, 1996, and 2003 (in July 2002) to meet temporary shortfalls in state revenue. Under another section of that act, those three officials jointly can borrow an amount equaling up to 15% of the state’s appropriations for the fiscal year, but only with 30 days’ advance written notice to the Clerk of the House, Secretary of the Senate, and Secretary of State, including a list of fiscal measures they recommend to restore the state’s fiscal soundness.<sup>43</sup>

**Medicaid Borrowing** Under a 1994 law that applied only in fiscal year 1995, the state sold \$687 million in general obligation bonds to finance medicaid payments. The 1994 law said that this debt, when added to amounts borrowed during that fiscal year under the statute just described,<sup>44</sup> could not exceed 15% of the state’s appropriations for that fiscal year, and the money could not be borrowed for more than 1 year.<sup>45</sup>

A 2004 law<sup>46</sup> that applied only from June 9 to June 30 authorized a sale of up to \$850 million in general obligation bonds to finance medicaid and medical services provided under the Children’s Health Insurance Program Act.<sup>47</sup> The 2004 law said all proceeds were to be deposited into a newly created Medicaid Provider Relief Fund and could not be borrowed for more than one year.<sup>48</sup>

**Revenue Bonds** The General Assembly can authorize state agencies to issue bonds to be repaid with revenues from projects financed by those bonds—such as tolls from toll highways, or rents from college dormitories.<sup>49</sup> Such “revenue bonds” are not direct obligations of the state. But issuing them may nevertheless affect the state’s credit rating—particularly if bond buyers believe that the state has what they call a “moral obligation” to repay them. Buyers think of revenue bonds as being backed by a moral obligation if they believe that a future General Assembly—even though not legally obligated to do so—might decide to pay off the bonds to prevent default and thus protect the state’s credit reputation. If the bond market perceives a revenue bond issue as being backed by a moral obligation, credit rating agencies will take that bond issue into account when rating the state’s other debt—because even a voluntary repayment of agency debt diverts money that otherwise could be used to pay debt on which the state is legally obligated.

## Post-Appropriation Reports

Two reports, both issued by the Comptroller, can be helpful in understanding how state money is distributed through appropriations.

The first is *Illinois Appropriations*, issued after the General Assembly and Governor have finalized the budget for a fiscal year. This book summarizes appropriations for the fiscal year in tables. It also reprints every appropriation bill that was enacted, classified by agency.

The other book is the *Illinois Annual Report*. It is published when the state’s account books are closed after a fiscal year. It shows all receipts and expenditures of state funds. For each office, department, or other agency, it reports amounts appropriated, spent, and lapsed (allowed to go unspent). The figures on spending include spending during the “lapse period”—the first two months after the end of the fiscal year (July and August), during which agencies can pay outstanding bills that they incurred under appropriations for the just-ended fiscal year.<sup>50</sup>

- Notes
1. See 15 ILCS 20/50-5, first sentence. That sentence allowed postponement of the message until the second Wednesday in April in 2003 alone.
  2. Ill. Const., art. 8, subsec. 2(a).
  3. 30 ILCS 105/13.4.
  4. Ill. Const., art. 8, subsec. 1(a).
  5. See, for example, *People ex rel. City of Urbana v. Paley*, 68 Ill. 2d 62, 368 N.E.2d 915 at 920-921 (1977); *Friends of the Parks v. Chicago Park Dist.*, 203 Ill. 2d 312, 786 N.E.2d 161 (2003).
  6. Ill. Const., art. 8, subsec. 1(b).
  7. Ill. Const., art. 8, subsec. 1(c).
  8. Ill. Const., art. 8, subsec. 2(b).
  9. 25 ILCS 155/4.
  10. Ill. Const., art. 4, subsec. 8(d), second paragraph.
  11. 30 ILCS 105/13.
  12. 30 ILCS 105/15a to 105/24.7.
  13. 30 ILCS 105/13.2(a) to (a-3) and (c) (as redesignated by P.A. 93-680 (2004)).
  14. 30 ILCS 105/13.2(a-2) (as redesignated by P.A. 93-680 (2004)).
  15. P.A. 92-600, sec. 5-10 (2002), adding 30 ILCS 105/13.2(c-1).

16. 30 ILCS 105/13.2(c-2), added by P.A. 93-680 (2004).
17. 30 ILCS 105/13.2(a-2) as amended by P.A. 93-839 (2004).
18. See 30 ILCS 105/13, last paragraph and 105/13.2(a-2) (as redesignated by P.A. 93-680 (2004)).
19. P.A. 93-842 (2004), enacted by S.B. 3340 (Trotter-Schoenberg-Welch—Madigan-Cross-Hannig-Beaubien).
20. 25 ILCS 50/1 ff.
21. 25 ILCS 55/2.
22. 25 ILCS 55/3 and 55/4.
23. 25 ILCS 55/2.
24. 25 ILCS 60/1 ff.
25. 25 ILCS 65/1 ff.
26. 25 ILCS 70/2(a) and 70/3.
27. 25 ILCS 70/2(b) and 70/3.
28. 25 ILCS 75/1 ff.
29. 25 ILCS 80/1 ff.
30. 25 ILCS 82/5 and 82/10.
31. 25 ILCS 82/20.
32. 30 ILCS 805/6.
33. 30 ILCS 805/8(b)(2).
34. Such exemptions are listed in 30 ILCS 805/8.1 ff.
35. See 30 ILCS 805/8(b)(1), second paragraph and 805/8(b)(2).
36. House Rule 41(b), 93rd General Assembly.
37. Ill. Const., art. 8, subsec. 2(a).
38. Ill. Const., art. 8, subsec. 2(b).
39. Ill. Const., art. 9, subsec. 9(b).
40. Ill. Const., art. 9, subsec. 9(c).
41. Ill. Const., art. 9, subsec. 9(d).
42. 30 ILCS 340/1.
43. 30 ILCS 340/1.1.
44. 30 ILCS 340/1 ff.
45. P.A. 88-554 (1994), adding 30 ILCS 342/5. That section was extensively amended by P.A. 93-674 (2004), described next.
46. P.A. 93-674 (2004).
47. 205 ILCS 116/1 ff.
48. 30 ILCS 342/5 as amended by P.A. 93-674.
49. Ill. Const., art. 9, subsec. 9(f).
50. 30 ILCS 105/25(b).



# CHAPTER 9

## CONTENTS

## OTHER PARTICIPANTS IN THE LEGISLATIVE PROCESS

<b>The Executive Branch</b> .....	1
The Governor .....	1
Other Executive Officers .....	2
Legislative Liaisons .....	2
<b>Lobbyists</b> .....	2
Lobbyist Registration Act .....	3
<i>Who must register</i> .....	3
<i>Filing of reports</i> .....	4
<i>Naming of recipients</i> .....	4
<i>Public access to reports</i> .....	5
Lobbyists: Who They Are .....	5
Lobbyists: How They Work .....	6
<b>Partisan Staffs</b> .....	7
Administrative Staffs .....	7
<i>Clerk of the House and Secretary of the Senate</i> .....	7
Chiefs of Staff .....	7
Press Relations Staff .....	7
Constituent Services Staff .....	8
Issues Development and Policy Staff .....	8
Technical Review Staff .....	8
Committee Staffs .....	8
<i>Substantive committee staffs</i> .....	8
<i>Appropriation staffs</i> .....	8
<b>Legislative Support Agencies</b> .....	9
Architect of the Capitol .....	9
Economic and Fiscal Commission (IEFC) .....	9
Joint Committee on Administrative Rules (JCAR) .....	10
Legislative Audit Commission .....	10
Legislative Information System (LIS) .....	10
Legislative Printing Unit .....	11
Legislative Reference Bureau (LRB) .....	11
Legislative Research Unit (LRU) .....	12
<b>The Auditor General</b> .....	13





## OTHER PARTICIPANTS IN THE LEGISLATIVE PROCESS

The actions needed to pass bills take place not only in committees and the House and Senate chambers, but in a much broader environment, in which a host of actors and institutions seek to influence those actions. No legislator suffers from a lack of advice. People representing agencies in the executive branch, various kinds of private lobbyists, the news media, and to some extent even the judiciary get involved in legislative action. As the session proceeds, busloads of constituents arrive. They fill the State House halls and grounds for demonstrations. They shout; they cheer; they sing. As the saying has it, "Everybody wants to get into the act."

### The Executive Branch

The Governor is the only executive-branch officer with a formal constitutional role in lawmaking. But other elected officials in the executive branch also have legislative agendas and seek to influence lawmaking.

The Governor      The Governor exerts powerful influences over what laws are enacted. These influences start with the political (through ability to get press coverage and focus public attention on a legislative agenda) and end with the constitutional (through ability to reject, or propose changes in, bills passed by both houses).

The Governor gets the first official word at the start of each year's legislative process. Annual State of the State and budget messages set forth the Governor's legislative purposes. Arrangements between the Governor and legislators then can begin to form. A Governor normally gets a core of support from legislators of his own party, and negotiates for any other votes needed to enact his program. In return for their support, legislators expect favorable consideration by the Governor of their interests. That can include things such as signing the legislator's bills; permitting the legislator to sponsor administration-backed bills that will raise the legislator's standing with constituents; funding projects in the legislator's district; providing appointments or jobs to constituents; appearing at an important public event in the district; and if of the same party, appearing at the legislator's political event.

Such favors are the coin of the legislative realm. Their use is not limited to members of the Governor's own party; the Governor's powers of persuasion can reach across the aisle for votes from the other party if his own party does not provide a needed majority. (A Governor may also try to develop support on the other side if he wants bipartisan responsibility for a controversial bill.) A Governor also has a political constituency that can be invoked to help move bills in the General Assembly, and groups interested in some aspect of his program that can be enlisted in the cause.

When persuasion fails, the veto pen takes over. The Governor's extensive veto powers loom large in the background of the legislative process. It is difficult enough to pass a bill. But any bill that has passed faces a possible veto, in which case the sponsor may need to mount an override effort. It is almost always better to have the Governor favor your bill than oppose it. For this reason, legislators spend considerable time trying to read the Governor's mind.

**Other Executive  
Officers**

The other elected executive-branch officers have no constitutionally stated role in lawmaking. But each year they propose budgets for their own operations in the next fiscal year (which are examined first by the Governor's Office of Management and Budget) and seek to get needed appropriations passed and approved by the Governor. They also are interested in bills that would affect their functioning. The Secretary of State and Attorney General often have legislative programs of their own. Thus they seek to maintain good relations with legislators. The executive-branch officers usually appear before legislative committees when appropriations or other bills affecting them will be heard.

**Legislative  
Liaisons**

Each of the executive offices, and every department and major agency in state government, has one or more legislative liaisons to represent it to legislators and their staffs. Due to the Governor's extensive interest in bills, the Governor has a staff of legislative liaisons. These representatives of the Governor play an active role in legislative sessions. A Senate rule allows "the designated aide to the Governor" access to the floor during sessions.<sup>1</sup> A House rule does the same "except as limited by the Speaker."<sup>2</sup>

Each legislative liaison oversees all legislative matters of interest to the liaison's agency. The liaison's duties include alerting the agency to new bills that would affect it; arranging sponsorship for drafts that the agency wants to have introduced as bills; working with sponsors to have bills amended when the agency considers that necessary; arranging for the agency to be represented when its testimony on a bill is needed; and contacting legislators to develop support for the agency's position on bills.

Liaisons also help legislators with nonlegislative matters. Liaisons can help legislators on problems their constituents have with the agency; send information relating to the agency's work to constituents who need it; provide speakers for civic groups; and work with a legislator on any matter within the scope of the agency's activity.

In short, a legislative liaison is a combination diplomat, negotiator, errand-runner, counselor, and troubleshooter between an executive officer and the General Assembly.

## **Lobbyists**

The word "lobbyist" has acquired connotations not associated with the nobler virtues of representative government. But the role of lobbyist has a history reaching to the beginning of this nation. The Declaration of Independence complained that the colonists' repeated petitions for redress "have been answered only by repeated injury." The right to petition the government is

guaranteed by both the U.S. and Illinois Bills of Rights.<sup>3</sup> The Illinois Constitution says: “The people have the right . . . to make known their opinions to their representatives and to apply for redress of grievances.”<sup>4</sup> To offer opinions and petitions for redress, both amateur and professional lobbyists come to Springfield every year.

#### Lobbyist Registration Act

The Lobbyist Registration Act requires a broad class of persons to register as lobbyists.<sup>5</sup> The Act, and regulations issued by the Secretary of State to interpret and modify it,<sup>6</sup> are a complex body of definitions and requirements. The following summarizes them, focusing on those directly affecting legislators. (The major direct effect of the Act on legislators is that it requires lobbyists to report all expenditures to benefit legislators—even for items such as food and beverages—and those reports are to be available on the World Wide Web. The Act also allows legislators to dispute such reports for a limited time after they are made.) The following is not a complete summary of the Act as it affects lobbyists.

#### *Who must register*

As restated and limited by the regulations, registration is required of anyone not exempted, who (whether or not compensated, and whether acting individually or as an employee or contractor for someone else) “undertakes to influence executive, legislative or administrative action by any direct lobbying communication with an official of the executive or legislative branch of State government even if lobbying constitutes a small percentage of the employee's job duties.”<sup>7</sup> Anyone (including a firm<sup>8</sup>) employing another person or entity for any of those purposes must also register.<sup>9</sup> At least three important terms in that definition are defined in the Act and/or regulations:

- Both the Act and regulations define “influencing” as “any communication, action, reportable expenditure . . . or other means used to promote, . . . affect, . . . oppose or delay any executive, legislative or administrative action or to promote goodwill with officials . . .”<sup>10</sup> The regulations in turn define “goodwill” as “any expenditure made on behalf of officials which has no direct relation to a specific executive, legislative or administrative action regardless of whether the lobbyist making the expenditure is reimbursed by his or her employing registered entity or client.”<sup>11</sup> Thus if read literally, the regulations require registration by every person, not exempt, who takes to lunch or otherwise spends any money on a public official.
- The regulations define “direct lobbying communication” in effect as any communication in person, by mail, or electronically with an official or with the official’s office, if made by a hired lobbyist or in conjunction with a reportable expenditure.<sup>12</sup>
- The Act defines “official” as anyone in the following categories: the six statewide elected officers; their chiefs of staff; their “cabinet members” including assistant directors and chief legal counsels; and legislators.<sup>13</sup> The regulations say the definition includes other persons of “comparable ranking” who are considered part of the “cabinet” of a “Constitutional Officer” if that officer has designated them as officials.<sup>14</sup>

The Act and regulations contain extensive lists of persons exempted from registration. The persons exempted appear to include legislators, along with employees of the General Assembly, legislative commissions, and legislative agencies.<sup>15</sup> (The Act and regulations also list as exempted anyone who is not

compensated, other than by reimbursement of up to \$500 of expenses per year, to lobby state government—*if* the person makes no expenditures that must be reported under the Act.<sup>16</sup> But the sections of the Act and regulations on reporting expenditures say that every person who is required to register must report *all* lobbying expenditures,<sup>17</sup> resulting in some lack of clarity about who may be exempt. The regulations attempt to limit the reach of that provision by adding that for purposes of that part of the regulations, “expenditures” means “reportable expenditures made on behalf of officials . . .” as defined above.<sup>18</sup>)

Each person required to register (called a “registrant” below) must file a statement within two business days after being employed to lobby,<sup>19</sup> and by January 31 and July 31 each year while continuing to be a lobbyist. Each statement must report the registrant’s name and permanent address; e-mail address if any; fax number if any; business telephone number; and temporary address, if any, that the registrant will use while lobbying. The statement must also give the name and address of each entity employing the registrant to lobby; the nature of that client’s business; and which state agencies the registrant expects to lobby. Each year the registrant must send the Secretary of State either a picture of the registrant or authorization to use a picture already held by the Secretary of State (such as for driver licensing). Each registrant, including an organization required to register, must pay an annual fee of \$350 (\$150 for an organization exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code).<sup>20</sup>

#### *Filing of reports*

Each registrant must report by July 31 for the first half of the calendar year (or through the last day of the regular legislative session if later), and by January 31 for the entire preceding calendar year. A registrant who ends activities for which registration is required must file a final report within 30 days.<sup>21</sup> Each report must include spending on items such as travel, lodging, meals, beverages, entertainment, gifts, and honoraria. Kinds of spending by a registrant that need not be reported include the registrant’s pay and personal living and lodging expenses; office and overhead costs; expenses incidental to serving as a member of a legislative or other state study commission; political contributions if reported to the State Board of Elections; and a gift or honorarium from the registrant that the legislator returned to the registrant, or for which the legislator reimbursed the registrant, within 30 days after receiving it.<sup>22</sup> (That last provision has an exception: If a lobbyist, when making a gift, notified the legislator that it was reportable, it must be reported even if the legislator later returns it or reimburses the legislator for it.<sup>23</sup>)

The law calls on the Secretary of State to provide an electronic filing system for lobbyists’ reports, including a searchable database of all filings available through the World Wide Web.<sup>24</sup>

#### *Naming of recipients*

The Act requires registrants’ reports to name every legislator on whose behalf any one reportable expenditure over \$100 was made.<sup>25</sup> Smaller expenditures are to be combined and categorized by the name of the legislator who received them. The Act authorizes the Secretary of State to prescribe a way to do this<sup>26</sup> (which the Secretary has done by regulation<sup>27</sup>).

Every person who is required to register, and who will report an expenditure on behalf of a legislator, must notify that legislator at least 25 days before filing the report.<sup>28</sup> The legislator may reply to the registrant with written objec-

tions. If the registrant's report as filed disagrees with those objections, the legislator's objections must be filed along with it.<sup>29</sup> The regulations add that the registrant must send a second notice to the legislator within 30 days after filing the report (thus in non-leap years, by March 2 for the annual report or by August 30 for the semiannual report).<sup>30</sup> Copies of these notices do not go to the Secretary of State.<sup>31</sup> But a provision in the regulations (issued before a 1998 amendatory act added the provisions on legislators' responses) says the legislator can send a "letter of clarification" to the Secretary of State, disputing an expenditure that was reported as going to the legislator. The Secretary of State will forward the letter to the registrant, who must respond within 30 days. Both the legislator's letter and the registrant's response will be public information.<sup>32</sup>

In addition, registrants must report the name of each state government entity lobbied; the kind of action involved (executive, legislative, or administrative, or a combination); a brief description of the action involved; and the names of the persons who lobbied.<sup>33</sup>

*Public access  
to reports*

All registration and expenditure reports are open for public inspection, and under the Secretary of State's regulations, copying.<sup>34</sup>

*Lobbyists:  
Who They Are*

The legislature of a major state such as Illinois attracts lobbyists representing many interests. Some work for business or union interests, including the Illinois State Chamber of Commerce, Illinois AFL-CIO, and Illinois Education Association; professional associations such as the Illinois State Bar Association, Illinois State Medical Society, and Illinois Society of Professional Engineers; or associations representing particular industries, such as the Printing Industries of Illinois or Illinois Petroleum Council. There are also issue-oriented groups, such as the Taxpayers' Federation of Illinois and Illinois Public Action Council. Still other lobbyists represent very specific interests, such as individual major-league sports teams. As of March 2004, the Secretary of State's office had 2,824 persons and 1,813 other entities registered as lobbyists. Some have permanent Springfield offices; others come from elsewhere (primarily the Chicago metropolitan area) during sessions; still others with more limited legislative interests come to Springfield only when a situation requires their presence.

The Secretary of State updates a two-part list of registered lobbyists twice per year. The first part is an alphabetic list of registered organizations, such as associations, companies, unions, and lobbying firms. The second part is an alphabetic list of individual lobbyists, with cross-references to their affiliations. The list can be downloaded from this Internet address:

[http://www.cyberdriveillinois.com/  
departments/index/lobbyist/home.html](http://www.cyberdriveillinois.com/departments/index/lobbyist/home.html)

by clicking on a hyperlink labeled "[Lobbyist List](#)" or "[Lobbyist Cross Reference List](#)" followed by the name of the computer format preferred.

**Lobbyists:** Lobbyists have been described as the Third House of a legislature. Lobbyists for groups that get state money (such as in highway construction, schools, and mental health agencies) often represent large constituencies. As those programs have grown in recent decades, so has the influence of their lobbyists. Some lobbyists have been in Springfield longer than many of the legislators with whom they deal. Experienced lobbyists can recall bills introduced over the years on many subjects, the circumstances leading to their introduction and passage; or why they failed. They will know the history of a particular law, and how and why it has been amended over the years. Lobbyists can also be a major source of information to legislators on pending bills that would affect the interests they represent, and how those interests might be affected if those bills become law. Reputable lobbyists will honestly describe their opponents' arguments and evidence, if asked.

**How They Work**

Clients of a lobbyist have legislative agendas and seek to have bills introduced to enact them. A lobbyist looks for a friendly legislator to introduce bills for the client, and will help that legislator develop support from other legislators, allied interest groups, and interested government officials. If the client wants to seek amendment of a bill, the lobbyist contacts its sponsor, describes the client's position, and tries to get agreement to the proposed changes.

When a bill is to be heard in committee, the lobbyist may make the client's position known by registering with the committee clerk as a supporter or opponent; leaving a written statement with the clerk giving reasons for support or opposition; appearing as a witness on the bill; and/or arranging for friendly expert witnesses to appear and help the sponsor make a case for it.

The process of consultation between lobbyists and clients continues through the session. Bills can receive amendments that change a client's support into opposition, or vice versa.

As interest in what happens in Springfield has grown, the practice of "grass-roots lobbying" has expanded with it. Groups with legislative interests often keep their supporters advised of bills pending in Springfield through newsletters, Web sites, and/or e-mail messages. Such communications list bills of significant interest to the organization, their sponsors, a brief description of their contents, and the group's positions on them. This may be accompanied by commentary on what is happening in the General Assembly, and often will suggest action by members to further the organization's legislative program. Such actions might include writing to legislators, calling them in Springfield, or contacting them in their districts. After a session, and before elections, some interest groups use their newsletters and/or Web sites to compare the voting records of individual legislators to the groups' legislative positions.

When an interest group mounts a major legislative effort, it may bring voters to Springfield to visit legislators in small groups. Such visits may be part of a larger rally or demonstration in the State House rotunda or on the State House grounds, complete with speeches and songs. Such efforts usually occur during the middle to latter part of the spring session when major bills are approaching Third Reading.

## Partisan Staffs

While legislators direct the legislative process, the General Assembly's operations are maintained by legislative staffs. There are various kinds of partisan staffers.

### Administrative Staffs

The House and the Senate provide essentially identical clerical and custodial services, although with differences in formal administrative structures. In the House, the Speaker is the chief administrative officer.<sup>35</sup> In the Senate the Senate Operations Commission is the chief administrative agency; the Secretary of the Senate is the Commission's secretary and administrator. (The Commission consists of the President and three assistant majority leaders; the Minority Leader; one assistant minority leader; and another senator appointed by the President.)<sup>36</sup> The administrative staff in each house includes the doorkeeper of the House and sergeant-at-arms of the Senate; clerks to keep accounts, process payrolls and vouchers, maintain personnel records and inventories, and operate the post offices and bill rooms; secretaries; custodians to maintain the chambers; and pages to run errands for members.

### *Clerk of the House and Secretary of the Senate*

The offices of the Clerk of the House and Secretary of the Senate are the administrative core of the General Assembly. From the wells of the House and Senate chambers, the Clerk and Secretary record all business during a legislative session. They receive the bills, amendments, and resolutions introduced or submitted for consideration, reports of standing committees, and messages from the other house and the Governor. From this record, they prepare the daily journal for publication and assemble the calendar for the next day's business. They engross the bills with adopted amendments for consideration on Third Reading; enroll bills that originated in their house; and keep a record of bills going to the Governor. They also arrange for printing all bills, amendments, and conference committee reports. The Clerk of the House and Secretary of the Senate are chosen by the majority party. The assistant clerk and assistant secretary are chosen by the minority party.

### Chiefs of Staff

Each of the four leaders has a chief of staff who is the executive officer directing and coordinating the administrative, committee, and other policy staffs for that leader.

The organization and role of the policy staffs varies from session to session and from leader to leader, but in general they develop partisan positions on legislative matters. Although staffers may develop areas of expertise, they are often called on to do other functions and work in other areas as needs arise.

### Press Relations Staff

Each partisan staff provides press relations assistance to its members by preparing press releases, speeches, and informational brochures to inform constituents about a legislator's activities in Springfield and in the district. Press releases are most often issued when a legislator introduces a bill or gets it passed (or in some cases, gets someone else's bill defeated). Press relations staff may also provide training for legislators on handling press inquiries, and on deportment at press conferences. They are also responsible for maintaining relations with both the print and electronic news media.

**Constituent Services Staff** Although most constituents' complaints and requests for information or help are handled by legislators' district office staffs, some such "casework" may be assigned to regular committee staffers. A staff may have a person assigned to do casework, or may assign a person to a group of legislators to do both casework and press services.

**Issues Development and Policy Staff** The Senate Democratic Communications and Research Staff, House Democratic Issues Development Staff, and House Republican Policy Staff provide specialized, long-term planning and problem-solving services for legislators. The Senate Republicans have not formally designated a separate staff for these services. These staffers specialize in particular areas and try to identify issues for legislators to promote. They also act as contacts with interest groups. At the direction of their leadership, they often inform such groups of hearings on pending bills and muster support for favored ones.

**Technical Review Staff** The House Democrats have a group of staffers to provide technical review of all pending bills. It is their job to check bills, amendments, and other documents for correctness in page numbers, spelling, punctuation, statute reference, and the like. Persons on other staffs may do similar functions without being so labeled.

**Committee Staffs** The formal development of committee staffs dates back to 1967, after the temporary Commission on the Organization of the General Assembly recommended increased staff services for legislators and professional staffs for committees. An act on staff assistants<sup>37</sup> was enacted that year and the four partisan staffs were created. Generally each staff has two kinds of analysts: for substantive bills and for appropriation bills. In the Senate, staffs for substantive and appropriation committees are largely separate. In the House, many staffers handle both kinds of bills.

*Substantive committee staffs* These staffs' structures parallel the standing committees. One or more staff members from each party work with each committee. These committee staffs analyze every bill sent to their committees. They are also called on to draft amendments and conference committee reports.

Staff members can also provide background material for a legislator's speech or to answer constituent mail. If time permits, they do research in their subject areas at the request of a legislator.

In the months after each session, the staffs prepare position papers and committee reports summarizing the important subjects covered during the session. During the veto session, they analyze veto messages and present analyses to legislators.

*Appropriation staffs* The appropriation staffs usually prepare an analysis of each bill for the appropriations committee before it meets. If committee members decide to amend a bill, their staff prepares the necessary amendments.

After committee meetings, the appropriation staff prepares material for the committee chairmen. The appropriation committee staff is available to answer questions, or to prepare amendments or conference committee reports needed for floor action. The staffs also maintain cumulative totals of all appropriations that have been approved in committee or on the floor.



In the summer, the appropriation staffs prepare reports summarizing the past session's activity; review agency appropriations and expenditures; respond to inquiries; and monitor the Governor's actions. They also analyze any item and reduction vetoes for the fall veto session.

## Legislative Support Agencies

The Joint Committee on Legislative Support Services (consisting of the Senate President, House Speaker, and Minority Leader in each house) sets general policy, coordinates activities, and assigns studies to be done by the eight legislative support agencies. Each of them, except the Architect of the Capitol, is governed by a board of 12 legislators, with three appointed by each leader. Those boards are appointed for 2-year terms starting February 1 of each odd-numbered year. Each board elects co-chairmen for that term. The Board of the Architect of the Capitol consists of the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House. These boards administer the agencies under the laws establishing them, and policies and regulations established by the Joint Committee.

### Architect of the Capitol

The Architect of the Capitol is directed to prepare and implement a long-range master plan for the historic preservation, restoration, construction, and maintenance of the State House complex. The plan is to be submitted for review and comment to the advisory Capitol Historic Preservation Board.<sup>38</sup> The Architect is also to monitor any work in the complex that might alter its historic integrity, and keep an inventory and registry of all historic items there.<sup>39</sup>

All contracts for construction or major repair of state buildings in the area around the Capitol (except the Supreme and Appellate Court buildings) must have the Architect's approval.<sup>40</sup> The Office of the Architect of the Capitol is also responsible for allocating space for the General Assembly and its agencies.<sup>41</sup>

The Office of the Architect of the Capitol is governed by the Board of the Office of the Architect of the Capitol, consisting of the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House.<sup>42</sup> With Board approval, the Architect can acquire nearby land to expand the complex.<sup>43</sup> The Office is the successor to the former Space Needs Commission.

### Economic and Fiscal Commission (IEFC)

The Illinois Economic and Fiscal Commission provides information on the Illinois economy, and on tax revenues and fiscal operations of the state government. It has a statutory duty to project annual state receipts. A major purpose of these projections is to help the General Assembly meet the constitutional mandate of a balanced budget. The IEFC's projections also provide an alternative to projections by the Governor and Comptroller. The IEFC monitors long-range debt; prepares State Debt Impact Notes; and publishes a Legislative Capital Plan Analysis at least annually.<sup>44</sup> IEFC prepares an annual state economic report giving information on economic development and trends in the state and its regions, and the effect of economic trends on long-range planning and budgeting by the state.<sup>45</sup> In another capacity, it advises the Department of Central Management Services on matters relating to policy and administration of the State Employees' Group Insurance Act of 1971.<sup>46</sup>

IEFC also prepares Pension Impact Notes; makes a continuing study of public pension laws and practices in Illinois, and recommends changes to such laws and practices, and reports to the General Assembly annually or as necessary.<sup>47</sup>

Joint Committee  
on Administrative  
Rules (JCAR)

The Joint Committee on Administrative Rules examines proposed regulations issued by state agencies, and can object to those it considers contrary to law.<sup>48</sup> Under a 2004 law, if three-fifths of JCAR's board determines that a proposed regulation does not meet statutory requirements, it can bar the regulation from taking effect unless the General Assembly by joint resolution decides otherwise.<sup>49</sup> JCAR is also required to examine all existing regulations of executive agencies every 5 years; hear complaints about regulations; monitor agencies' compliance with laws; and study legislative, administrative, and court actions that may affect regulations and the rulemaking process.<sup>50</sup>

Legislative Audit  
Commission

The Legislative Audit Commission reviews and makes recommendations to the General Assembly on audits of state funds received and spent by state agencies. It reports its findings and recommendations in writing. The Commission receives reports of the Auditor General and other financial statements. It also recommends measures, including changes in law, to correct defects in fiscal procedures.<sup>51</sup> The Illinois Auditing Act authorizes the Commission to direct the Auditor General's office to do special audits or investigations.<sup>52</sup>

Legislative  
Information  
System (LIS)

The Legislative Information System operates the computer system that stores data for the General Assembly and its committees and service agencies. Services offered by LIS include the General Assembly's Web site, the laptop computer system for members, and a photocomposition system. The General Assembly's Web site offers functions as described below. The photocomposition system prepares copy ready for printing of legislative documents, such as the daily calendars, journals, and bill amendments.

The legislative Web site (<http://www.legis.state.il.us>) offers the following searchable databases among others:

- summaries and texts of all bills, resolutions, adopted amendments, and conference committee reports
- indexing of bills by the chapters, acts, and sections of the Illinois Compiled Statutes that they would add, amend, or repeal (requires free registration with the Web site)
- texts of Public Acts of the current and recent General Assemblies
- the Illinois Compiled Statutes

and the following information about legislative activities:

- weekly schedules of floor sessions
- committees, committee members, and hearing schedules
- rules of each house

The site also offers live audio and video feeds of House sessions, and audio feeds of Senate sessions; transcripts of past sessions; and various other information.

In cooperation with the Administrative Code Unit of the Secretary of State's office and JCAR, LIS maintains in a computer database the Illinois Administrative Code (the official compilation of regulations from state agencies) and

the *Illinois Register* (which updates the Code weekly).<sup>53</sup> The information is available on the JCAR Web site, also hosted by LIS and linked to the General Assembly Web site.

#### Legislative Printing Unit

The Legislative Printing Unit prints legislative documents and reports, including daily calendars, amendments, and conference reports. It also prints letterheads, envelopes, newsletters, note pads, and other items for legislators.<sup>54</sup> The Printing Unit has rules governing printing for legislators, under policies established by the Joint Committee.<sup>55</sup>

#### Legislative Reference Bureau (LRB)

The primary service of the Legislative Reference Bureau is drafting bills, amendments, and resolutions for legislators. Legislators describe provisions they want in bills, and the lawyers on the LRB drafting staff turn them into bill drafts. House and Senate bills, and most amendments to them, are either drafted or put into proper form by the LRB.

The LRB also prepares the revisory bills that are needed to bring the Illinois statutes into conformity with one another and with court decisions.<sup>56</sup> It also drafts bills to implement executive reorganization orders that were not disapproved by the General Assembly.<sup>57</sup>

The LRB publishes the *Legislative Synopsis and Digest* each week during the legislative session, and a final issue early each year showing all of the preceding year's actions. The *Digest* (as it is called) gives a brief summary of each bill or resolution still active that had been introduced, and of each amendment that had been adopted, by the end of the latest week. Below that information is a chronological synopsis of actions on the bill since its introduction. The *Digest* is indexed by subject, sponsor, and the parts of the Illinois Compiled Statutes to be affected by each bill. Two copies of the *Digest* are provided to each legislator. It is also sent to county clerks. Others can subscribe to it for a calendar year by sending a signed application with \$55 to the Legislative Reference Bureau, 112 State House, Springfield 62706.<sup>58</sup>

The LRB maintains a legal and legislative library for use by legislators and their staffs.<sup>59</sup> The library contains the annotated laws of all other states and of the United States; Illinois and federal court decisions, and digests that can be used to find those decisions by subject; past General Assemblies' *Digests*, journals, and session laws; and other materials useful in the legislative process.

The Bureau prepares an annual report on recent federal and Illinois court decisions that may require technical changes or raise substantive issues as to Illinois law.<sup>60</sup>

The executive director of the Bureau is an ex-officio member of the Illinois delegation to the National Conference of Commissioners on Uniform State Laws, and the Bureau supervises Illinois' participation in that body.<sup>61</sup>

Legislative  
Research Unit  
(LRU)

The Legislative Research Unit is the general-purpose research agency for Illinois legislators and their staffs. On request by legislators, partisan staffs, and committees, the LRU provides legal, scientific, economic, statistical, historical, and social information and analyses, and surveys of other states' laws on specific issues. Results of research are sent as formal Research Responses, or in letters answering more specific inquiries. Urgent requests are answered by faxed or telephoned responses.

The LRU issues the following publications on a recurring basis:

- *Preface to Lawmaking*
- *1970 Illinois Constitution Annotated for Legislators*
- *Illinois Tax Handbook for Legislators*
- *Directory of State Officials*
- *Constituent Services Guide*
- *County Data Book*
- *State Government Organization Chart*
- *State Assistance to Local Governments*
- *Federal Funds to State Agencies*

The LRU's quarterly legislative newsletter *First Reading* contains articles on issues in state government, and abstracts of reports that state agencies send to the General Assembly. The summer issue of *First Reading* contains articles summarizing every significant bill that passed both houses. The LRU also publishes booklets that legislators can distribute to constituents on topics such as laws of interest to young persons and older adults, and consumer laws.

All officials making appointments to independent or interagency boards or commissions in state government are required to send written notice of those appointments to the LRU,<sup>62</sup> which keeps a computerized database of them.<sup>63</sup> Information on each appointee includes name, county of residence, date appointed, and date of expiration of term.

The LRU helps members of the General Assembly learn about intergovernmental issues and communicate with federal, state, and local officials and agencies, and with the Council of State Governments and National Conference of State Legislatures. It is the official legislative agency for receiving grant information from federal agencies. A federal aid tracking system is administered jointly by the LRU and the Governor's Office of Management and Budget. The system provides data at least monthly to the General Assembly on federal grant applications, awards, and receipts.<sup>64</sup>

Members of the Legislative Research Unit board, along with four public members appointed by the Joint Committee on Legislative Support Services, constitutes the Advisory Committee on Block Grants. The Committee holds public hearings on the intended uses and priorities of federal block grants to the state, and makes an advisory report to the Governor and General Assembly on funding levels for each block grant.<sup>65</sup>

Other LRU activities include the New Members' Conference for new legislators; a seminar for district office staff at the beginning of each General Assembly; the legislative staff internship program (administered in cooperation with

the University of Illinois at Springfield); and the volunteer-staffed Legislative Information Booth on the third floor of the State House.

## The Auditor General

The 1970 Constitution created the office of Auditor General to inform the General Assembly on use of public funds by state government. By establishing this office, the Constitution for the first time clearly put post-auditing of public funds under legislative jurisdiction. The Auditor General is selected by vote of three-fifths of the members elected to each house. To ensure independence and objectivity, the Auditor General has a 10-year term, during which the salary for the office cannot be lowered. The Auditor General may be removed only for violating specific statutory provisions, and only by three-fifths vote of each house.<sup>66</sup>

By law, every state agency other than the Auditor General's office is subject to audit by the Auditor General at least once each biennium.<sup>67</sup> The Auditor General makes other audits that are considered to be in the public interest, or that are required by the Legislative Audit Commission or by either legislative house.<sup>68</sup> Audits cover agency financial operations, program management, and compliance with state laws.<sup>69</sup> The audits are done principally by outside public accounting firms, acting as special assistant auditors under the direction of the Auditor General's staff.

The Auditor General's office has developed an information classification, storage, and retrieval system to enable data obtained in audits to be used to locate trends, pinpoint recurring agency and program problems, and study the cumulative effects of agency conduct.

- Notes
1. Senate Rule 4-3(a), 93rd General Assembly.
  2. House Rule 30(a), 93rd General Assembly.
  3. U.S. Const. Amdt. 1, cl. 3; Ill. Const., art. 1, sec. 5.
  4. Ill. Const., art. 1, sec. 5.
  5. See 25 ILCS 170/3(a)(1) and (2).
  6. The Secretary of State's regulations are codified in 2 Ill. Adm. Code secs. 560.100 to 560.420. They are currently being revised to reflect changes made by the State Officers and Employees Ethics Act (5 ILCS 430/1-1 ff., enacted by P.A.'s 93-615 and 93-617 (2003)).
  7. 2 Ill. Adm. Code subsec. 560.200(a). The part of that definition through "administrative action" is from the Act (25 ILCS 170/3(a)(1)); the rest was added by the Secretary of State.
  8. See 25 ILCS 170/2(a) (definition of "Person").
  9. 25 ILCS 170/3(a)(2); 2 Ill. Adm. Code subsec. 560.200(b).
  10. 25 ILCS 170/2(f); 2 Ill. Adm. Code sec. 560.100.
  11. 2 Ill. Adm. Code sec. 560.100.
  12. 2 Ill. Adm. Code sec. 560.100.
  13. 25 ILCS 170/2(c).
  14. 2 Ill. Adm. Code sec. 560.100.
  15. The Act's exemption applying to legislative personnel (25 ILCS 170/4(e)) reads as follows: "Employees of the General Assembly legislators, legislative agencies and legislative commissions" (sic). The regulations (2 Ill. Adm. Code subsec. 560.210(e)) add a comma that apparently was

intended after “General Assembly” to indicate that legislators are among the persons exempted.

16. 25 ILCS 170/4(h); 2 Ill. Adm. Code subsec. 560.210(b).
17. 25 ILCS 170/6; 2 Ill. Adm. Code subsec. 560.300(a).
18. 2 Ill. Adm. Code subsec. 560.300(a).
19. 25 ILCS 170/3(b).
20. 25 ILCS 170/5. The corresponding section of the regulations (2 Ill. Adm. Code sec. 560.220) is being updated to reflect P.A. 93-615.
21. 25 ILCS 170/6(c). The corresponding regulation is 2 Ill. Adm. Code sec. 560.305.
22. 25 ILCS 170/6(b). The corresponding regulations are 2 Ill. Adm. Code secs. 560.310 and 560.340 to 560.370.
23. 25 ILCS 170/6(b), last paragraph (added by P.A. 93-244).
24. 25 ILCS 170/7.
25. 25 ILCS 170/6(b). The corresponding section of the regulations is 2 Ill. Adm. Code subsec. 560.310(b).
26. 25 ILCS 170/6(b), third unnumbered paragraph.
27. 2 Ill. Adm. Code subsec. 560.310(c).
28. 25 ILCS 170/6.5.
29. 25 ILCS 170/6.5. The corresponding section of the regulations is 2 Ill. Adm. Code subsec. 560.371(a).
30. 2 Ill. Adm. Code subsec. 560.371(b).
31. 2 Ill. Adm. Code subsec. 560.371(c).
32. 2 Ill. Adm. Code sec. 560.372.
33. 25 ILCS 170/6(b), 11th unnumbered paragraph.
34. 25 ILCS 170/7, first paragraph. Provisions in the regulations on disclosure are in 2 Ill. Adm. Code subsec. 560.400(b).
35. 25 ILCS 10/5.
36. 25 ILCS 10/4.
37. Now codified in 25 ILCS 160/0.01 ff.
38. 25 ILCS 130/8A-15(b).
39. 25 ILCS 130/8A-15(e) and 130/8A-25.
40. 25 ILCS 130/8A-30.
41. 25 ILCS 130/8A-20.
42. 25 ILCS 130/1-5(a)(2.5).
43. 25 ILCS 130/8A-30.
44. 25 ILCS 155/3.
45. 25 ILCS 155/3(4).
46. 5 ILCS 375/3(e) and 375/4.
47. 25 ILCS 55/2.
48. 5 ILCS 100/5-90 and 100/5-100 ff.
49. 5 ILCS 100/5-115 as amended by P.A. 93-1035.
50. 5 ILCS 100/5-100 to 100/5-130.
51. 25 ILCS 150/3.
52. 30 ILCS 5/3-15.
53. 25 ILCS 145/5.08.
54. 25 ILCS 130/9-2.
55. 25 ILCS 130/9-2.5.
56. 25 ILCS 135/5.04.
57. 25 ILCS 135/5.06.
58. 25 ILCS 135/5.02.
59. 25 ILCS 135/5.01.
60. 25 ILCS 135/5.05.

61. 25 ILCS 135/5.07.
62. 25 ILCS 110/1.
63. 25 ILCS 130/10-2, second paragraph.
64. 25 ILCS 130/4-2.1.
65. 25 ILCS 130/4-4.
66. Ill. Const., art. 8, sec. 3.
67. 30 ILCS 5/3-2, first paragraph.
68. 30 ILCS 5/3-2 (last paragraph) and 5/3-3.
69. 30 ILCS 5/1-13 to 5/1-14.

